# The Works of James Buchanan

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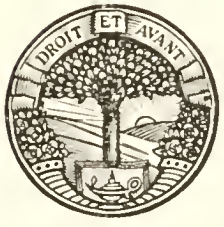
# THE WORKS
OF
# JAMES BUCHANAN

Comprising his Speeches, State Papers,
and Private Correspondence

Collected and Edited
By
JOHN BASSETT MOORE

VOLUME VIII
1848-1853

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# THE WORKS

OF

# JAMES BUCHANAN

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## TO MR. MASON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 1st March, 1848.

HON. JOHN Y. MASON,
Secretary of the Navy.

SIR:

Enclosed is a copy of a despatch No. 49, dated February 1st, 1848, from Benjamin G. Shields, Esq., Chargé d'Affaires of the U. States at Caracas, to this Department. From this letter and from that of Mr. Shields No. 48, dated January 29th, 1848, to which your attention was invited yesterday, you will perceive that new disturbances have broken out in Venezuela, of such a character, in his opinion, as to threaten serious injury to the persons and property of American citizens in that republic, and to require the immediate presence there of a competent naval force for their protection.

I have the honor, therefore, to request that you will direct one or more of our ships of war, of sufficient capacity for the purpose, to proceed to Venezuela at the earliest practicable period, and to render all necessary protection to our citizens and interests in that republic.

I am, &c.,

JAMES BUCHANAN.

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[1] MSS. Department of State, 36 Domestic Letters, 381.

## TO COLONEL FREMONT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 2 March, 1848.

COL. J. C. FREMONT,

SIR:

I have received your note of yesterday, with the original papers in the Spanish language, in relation to the Macnamara grant of land in Upper California, taken by you from the Government archives in Los Angeles whilst you were Governor of California, together with a copy of the depositions taken before the military committee of the Senate, in relation to claims growing out of military operations in California, &c. &c.

These documents, so important for the Government, and bearing such conclusive testimony to the valuable services which you have rendered your country in that distant region, shall be carefully preserved in the archives of the Department.

I am, &c.

JAMES BUCHANAN.

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## TO THE SPEAKER OF THE HOUSE.[2]

DEPARTMENT OF STATE,
WASHINGTON, March 3, 1848.

SIR: Agreeably to the act of Congress of March 2, 1819, regulating passenger ships and vessels, I have the honor to communicate herewith tabular statements showing the number and designation of passengers who arrived in each collection district of the United States, during the year ending September 30, 1847, compiled from the returns made to this department by the collectors, in conformity with the provisions of said act.

I have the honor to be, sir, your obedient servant.

JAMES BUCHANAN.

TO THE HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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[1] MSS. Department of State, 36 Domestic Letters, 383.
[2] H. Ex. Doc. 47, 30 Cong. 1, Sess. 1.

## FROM MR. RUSH.[1]

*Private.* PARIS March 5. 1848.

MY DEAR SIR,

My despatch No. 17, of yesterday, will apprize you of what I have done in the momentous events that have happened here, and I shall remain inexpressibly anxious until I know how it will be officially received at home.

To have conferred with my colleagues of the diplomatic corps (European) was out of the question. There was no time. That of itself would have prevented me. All were astounded. Not half of them were even to be found during the first shocks; and, moreover, by as much as I was able to learn, all were plump and decided against doing any thing. After having made up my own mind to recognize, I went to Lord Normanby the English ambassador, as England was likely to be less backward at first than the other great powers, and imparted to him my intention. He was amazed. I explained my grounds, showing how different they were from his, and all the others. He admitted this, to some extent; but still was amazed, though quite civil. On Monday, the 28th of February, after I had gone through the public ceremony at the Hotel de Ville, I went to his House again to tell him of it, that he might know it for certain from me before it got into the newspapers, quickly as it did get into them. He was still under more or less amazement, and there the subject has ended with us.

The *immediate* publication of my note to the new minister of Foreign affairs, as well as my address to the Provisional government, sufficiently mark their sense of them.

I learn through a friend of Lamartine's, that as soon as he got my note he said, "Two good things had quickly happened for the Provisional government: the nuncio's letter, and Recognition by the American Minister; the one representing the head of the church, the other the head of Republicanism in the world."

I must humbly hope that my course will be approved by the President, yourself, and the cabinet. Should this prove to be [the] case, and my despatch of yesterday be sent to Congress, I cannot express to you how grateful it would be to me to have it accompanied by a sanctioning word, after all the objections I know to have been entertained by the diplomatic corps. To the new government here, such an early sanction going before Congress of what I had done, would doubtless also be acceptable.

To all the Ministers and Chargés from the South American governments who have come to me for counsel, I have said, recognize at once; and I have reason to believe that my course has governed nearly all of them, if not all.

Both in my address of congratulation, and official note to Mr. Lamartine, whilst aiming to be sufficiently cordial, I deemed it right to be guarded—considering the responsibilities of my situation.

I intended to send you by this conveyance a brief notice of some of the members of the Provisional *Cabinet*, less generally known than others; but give up the intention now, as I learn that changes may possibly occur.

Of the Provisional government, DUPONT de l'Eure is an old sterling

[1] Buchanan Papers, Historical Society of Pennsylvania.

friend of constitutional monarchy, and companion of Lafayette, respected by every one, and now *republican* because constitutional monarchy has been found wanting. LEDRU-ROLLIN is a lawyer, leader of the extreme radical party, Editor of the Reforme, boisterous, and said to be heavily in debt. CRÉMIEUX is a Jew lawyer, was of the dynastic opposition, now thought to be republican. MARIE, a lawyer—republican. GARNIER-PAGÈS, Mayor of Paris, brother of the celebrated deputy of that name. He is republican. ARAGO and LAMARTINE are sufficiently known to fame, the first as the great Astronomer, the other as the historian, &c

I have taken all the pains I could to get this brief account of each, which is probably as correct as any attainable just now, as there are diversities.

I have heard, on authority I deem perfectly good, that the names of the members of the Provisional government were arranged during the night of Wednesday the 23rd of February, at the office of "The National," by a political coterie who met there while the battle was raging in the streets. "The National" was the great opposition paper up to that time, and now leads for the new government. MARRAST is Editor of it, now one of the Secretaries of the new government, and, in effect, a member of the Provisional government He is an able man, Republican, and representing the principle of order with liberty.

Should the government decide to send my despatch to Congress, I would be most grateful for some three or four copies, or even half a dozen, of the little sheet that will contain it when published, that I might be able to send one of them to Lord Normanby, and others, (as I might select,) to some other members of the European diplomacy here.

I remain with great and cordial esteem and respect, dear Sir,

Yours most faithfully,

RICHARD RUSH.

HONORABLE JAMES BUCHANAN,
&c. &c. &c.

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## TO MR. HEMPSTEAD.[1]

DEPARTMENT OF STATE,
WASHINGTON Mar. 7th, 1848.

SIR: Your letter of the 19th of January last, transmitting your official Bond, has been received.

In reply to your enquiries respecting your Commission I have to state, that, as you were informed in your letter of appointment, it was transmitted to the Legation of the U. States, with instructions to apply to the British Government for your Exequatur, which when obtained will be forwarded to you with your Commission.

[1] MSS. Department of State, Despatches to Consuls, XII 367; H Ex. Doc. 75, 31 Cong. 1 Sess. 311–312. See Mr. Buchanan to Mr. Bancroft, May 21, 1847, supra.

The agent of the Department has been instructed to furnish a Flag, Press, Seal, & the Arms of the U. States for the use of your Consulate.

I am Sir &c.

JAMES BUCHANAN.

CHRISTOPHER HEMPSTEAD ESQR.
U. S. C. Belize, Honduras.

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## MESSAGE OF PRESIDENT POLK

### RELATING TO THE TREATY OF PEACE WITH MEXICO.[1]

[March 7, 1848.]

TO THE SENATE OF THE UNITED STATES:

I lay before the Senate a letter of the 12th February, 1848, from N. P. Trist, together with the authenticated map of the United Mexican States, and of the plan of the port of San Diego, referred to in the fifth article of the "treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic," which treaty was transmitted to the Senate with my message of the 22d ultimo.

JAMES K. POLK.

WASHINGTON, March 7, 1848.

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## TO THE PRESIDENT.[2]

DEPARTMENT OF STATE,
WASHINGTON, March 8, 1848.

SIR: The Secretary of State, to whom was referred the resolution of the Senate of this date, requesting the President "to inform the Senate of the terms of the authority given to Mr. Trist to draw for the three millions of dollars authorized by the Act of the 2d of March, 1847," has the honor to lay before the President the papers specified in the subjoined list, which contain all the information on the subject of the resolution that can be furnished by this Department.

Respectfully submitted,

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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[1] Senate Executive Journal, VII. 328.

[2] This report was sent by the President to the Senate on the same day, and is printed with the message in S. Ex. Doc. 52, 30 Cong. 1 Sess. 106.

## MESSAGE OF PRESIDENT POLK

ON MR. TRIST'S DESPATCHES.[1]

[March 8, 1848]

To the Senate of the United States:

In answer to the resolution of the Senate of this date, requesting the President to communicate to that body, confidentially, any additional despatches which may have been received from Mr. Trist, and especially those which are promised by him in his letter to Mr. Buchanan of the 2d of February last, if the same have been received, I have to state that all the despatches which have been received from Mr. Trist have been heretofore communicated to the Senate.

James K. Polk.

Washington, March 8, 1848.

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## TO MR. WALKER.[2]

Department of State,
Washington, March 15, 1848.

Sir: You are aware that the Honorable Ambrose H. Sevier is about to proceed to Mexico, as commissioner of the United States, with a duly ratified copy of the treaty, embracing the amendments of the Senate, signed on the 2d February last, at Guadalupe Hidalgo, between the United States and the republic of Mexico. As it may be essential to the success of his mission that he should bear with him from your department some evidence of the debt from the United States to the Mexican government, in conformity with the terms of the 12th article of the treaty as amended, I respectfully submit, by the direction of the President, to your consideration, the propriety of furnishing me such evidence to be delivered by Mr. Sevier to that government in case of necessity.

Yours, very respectfully,

James Buchanan.

Hon. Robert J. Walker,
Secretary of the Treasury.

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[1] Senate Executive Journal, VII 334

[2] H. Ex. Doc. 50, 30 Cong. 2 Sess. 70

## MESSAGE OF PRESIDENT POLK

NOMINATING A COMMISSIONER TO MEXICO.[1]

[March 18, 1848.]

To the Senate of the United States:

Sudden and severe indisposition has prevented and may for an indefinite period continue to prevent Ambrose H. Sevier, recently appointed commissioner to Mexico, from departing on his mission. The public interest requires that a diplomatic functionary should proceed without delay to Mexico, bearing with him the treaty between the United States and the Mexican Republic, lately ratified, with amendments, by and with the advice and consent of the Senate of the United States. It is deemed proper, with this view, to appoint an associate commissioner, with full powers to act separately or jointly with Mr. Sevier.

I therefore nominate Nathan Clifford, of the State of Maine, to be a commissioner with the rank of envoy extraordinary and minister plenipotentiary of the United States to the Mexican Republic.

James K. Polk.

Washington, March 18, 1848.

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## TO MR. CLIFFORD.[2]

(No. 1.) Department of State,
Washington, 18th March, 1848.

Sir: The sudden illness of the Honorable Ambrose H. Sevier, lately appointed Commissioner to Mexico, having prevented him from proceeding immediately upon his mission, the President, by and with the advice and consent of the Senate, has appointed you an associate commissioner to that Republic with the rank of Envoy Extraordinary and Minister Plenipotentiary. Mr. Sevier and yourself are each invested with full and equal powers, jointly or severally as circumstances may require, to exchange the ratifications of the Treaty of Peace concluded at Guadalupe Hidalgo on the 2nd February, last, between the United States and the Mexican Republic, with the amendments of the Senate, and to perform all other acts in conformity with your instructions.

You will bear with you to Mexico all the instructions which had been prepared for Mr. Sevier, together with a copy of the Treaty as it has been ratified by the President of the United

[1] Senate Executive Journal, VII. 343.

[2] MSS. Department of State, Instructions, Mexico, XVI. 96; H. Ex. Doc. 50, 30 Cong. 2 Sess. 52.

States, and you will act in all particulars as though these instructions had been formally addressed to Mr. Sevier and yourself as joint and several Commissioners. It is hoped that in the course of a week or ten days Mr. Sevier's health may be sufficiently restored to enable him to follow you; but you are expressly enjoined not to delay to act upon your instructions, awaiting his arrival.

The President has manifested his high confidence in your integrity and ability by entrusting to you this important and responsible mission, and I entertain no doubt that in your conduct you will abundantly justify his selection.

Yours, very respectfully,

JAMES BUCHANAN.

HON. NATHAN CLIFFORD, ESQUIRE, &c. &c. &c.

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## TO MR. SEVIER.[1]

(No. 1.) DEPARTMENT OF STATE,
WASHINGTON, 18th March, 1848.

SIR: You have been appointed by the President, by and with the advice and consent of the Senate, to a most important and responsible mission. The task has thus been assigned to you of consummating the Treaty of Peace which was signed at Guadalupe Hidalgo on the second day of February, last, between the United States and the Mexican Republic, and which, on the 10th instant, was ratified by the Senate with amendments.

This brief statement will indicate to you clearly the line of your duty. You are not sent to Mexico for the purpose of negotiating any new Treaty or of changing in any particular the ratified Treaty which you will bear with you. None of the amendments adopted by the Senate can be rejected or modified except by the authority of that Body. Your whole duty will then consist in using every honorable effort to obtain from the Mexican Government a ratification of the Treaty in the form in which it has been ratified by the Senate, and this with the least practicable delay.

For this purpose, it may and most probably will become necessary that you should explain to the Mexican Minister for

[1] MSS. Department of State, Instructions, Mexico, XVI 84; H. Ex. Doc. 50, 30 Cong. 2 Sess. 47.

Foreign Affairs, or to other authorized agents of the Mexican Government, the reasons which have influenced the Senate in adopting their several amendments to the Treaty. This duty you will perform as much as possible by personal conferences. Diplomatic notes are to be avoided unless in case of necessity. These might lead to endless discussions and indefinite delay. Besides, they could not have any practical result, as your mission is confined to procuring a ratification from the Mexican Government of the Treaty as it came from the Senate and does not extend to the slightest modification in any of its provisions.

One of the principal reasons which induced me to address a note to the Mexican Minister for Foreign Affairs in explanation of the amendments of the Senate was to avoid delay and prevent unnecessary discussion. This note, dated on the 18th instant (with a copy of which you have been furnished), together with your own intimate and personal knowledge of all the proceedings of the Senate upon the Treaty, will enable you promptly to furnish every explanation which may be required.

Should you find it impossible, after exhausting every honorable effort for this purpose, to obtain a ratification from the President and Congress of Mexico of the Treaty as it has been amended by the Senate, it may then become necessary for you in conversation with the proper Mexican authorities to express an opinion as to what portion of the Senate's amendments they might probably be willing to yield for the sake of restoring peace between the two Republics. This will be a very delicate duty; but upon one point, at least, you will be relieved from all embarrassment. Neither the President nor the Senate of the United States can ever consent to ratify any Treaty containing the tenth article of the Treaty of Guadalupe Hidalgo in favor of grantees of land in Texas or elsewhere. The Government of the United States do not possess the power to carry such an article into execution; and if they did, it would be highly unjust and inexpedient. Should the Mexican Government persist in retaining this article, then all prospect of immediate peace is ended; and of this you may give them an absolute assurance.

In regard to the amendments by the Senate to the 12th Article of the Treaty, in relation to the mode of paying the $12,000,000, it is believed that the case might be different. That enlightened body would probably not insist on these amendments if it should appear that they involved the question of peace or war. That they may involve this question is not improbable;

but of this you can better judge upon the spot than the President can at this distance.

It is well known that the present Mexican Government are sorely straitened for want of the pecuniary means of support. Their revenues have been rightfully seized by the commanding general for the support of the United States army in Mexico, and they are thus left comparatively without resources. The Mexican Government are pledged to peace. They have staked their existence upon peace. Without peace they must be destroyed. It may be, however, that they cannot sustain themselves in making peace and executing the Treaty, without anticipating the receipt of the whole or a part of the $12,000,000. Should this appear to you to be clearly the case, and that they cannot obtain the means necessary to prolong their existence under the amendments of the Senate to the 12th article, it is not supposed that you would incur any risk by assuring them that the Senate would recede from these amendments.

It cannot be denied that the twelfth article, as amended by the Senate, contains a positive and unconditional obligation on the part of the United States to pay to the Mexican Republic the sum of $12,000,000, in four annual instalments of three millions each, commencing one year after the ratification of the Treaty by the Mexican Government. Negotiable or transferable certificates cannot, however, be issued for that amount. All that this Government could possibly do under the Treaty, as it now stands, would be to furnish the Mexican Government with evidences of the debt in exact conformity with the terms of the article as amended. Upon such evidences, it is believed that the Mexican Government might raise the means necessary for their immediate support. In this belief the President may be mistaken, because capitalists are a timid race. Should it appear to the Senate that such would probably prove to be the fact, it is confidently believed that they would not risk a defeat of the Treaty by adhering to their amendments to the twelfth article.

The remaining amendments, although doubtless highly proper, are comparatively unimportant. According to the President's understanding of that portion of the 9th Article as it originally stood, which relates to the Catholic Church, it contains nothing more than an amplification of the clauses contained in the Louisiana and Florida Treaties and in the amendment of the Senate to the present Treaty, providing for the security of the Catholic inhabitants in the free exercise of their religion without

restriction. In this view of the subject the amendment could not finally jeopard the fate of the present Treaty.

It is not deemed necessary to remark particularly on the remaining amendments.

Still I repeat, that until you find this to be unattainable, you are to insist strenuously upon the ratification of the Treaty by the Mexican Government just as it has been ratified by the Senate. You might for this purpose urge upon them the following considerations, together with others which will suggest themselves to your own mind.

1. If this be done, the war will be promptly ended and the blessings of peace will be immediately restored. On the other hand, should the Treaty be sent back to the President to be again submitted to the Senate, this must occasion considerable delay and may altogether defeat the object.

2. Should the war be renewed, the Mexican Government can never again expect to make peace on terms so favorable as those contained in the present Treaty. In the opinion of a very large and increasing number of our fellow citizens, these terms are less favorable to the United States than we had a right to expect. The present Treaty was negotiated substantially in conformity with the ultimatum of my instructions dated on the 15th April, last, at a period when we had only just learned the capture of Vera Cruz and the Castle of San Juan d'Ulloa. Between that period and the date of the Treaty, circumstances had entirely changed, and a vast amount of precious blood and of treasure had been expended in reaching and capturing the City of Mexico. Whilst for this reason the President might have justly exacted far more rigorous terms, yet such was his desire to conclude peace that he promptly assented to all the material provisions of the present Treaty and submitted it to the Senate. Should the war be renewed, instead of purchasing at a fair price a portion of the territories which we have been obliged to conquer and which are now in our undisturbed possession, and restoring the remainder to Mexico, we shall be compelled to appropriate, without pecuniary compensation, a just and ample indemnity in Mexican territory for all the expenses of the war.

Although the President has the most entire confidence in your sagacity, ability, and discretion, yet it is deemed proper to make some suggestions to you in regard to the conduct which you ought to pursue in accomplishing the objects of your mission.

The Mexicans are a sensitive and suspicious people. They are now humbled in their own estimation by our brilliant and repeated victories. Their jealousy ought to be allayed by treating them, in all your intercourse, with marked respect. All the external forms of civility to which the Spanish race attach such peculiar importance, ought to be strictly observed by you. This will not only promote the success of your mission, but may be the foundation of a lasting peace and sincere friendship between the two Republics.

Whilst in Mexico, you will communicate freely and unreservedly with the commanding general of the American forces, who will be instructed to render you all the aid in his power, in accomplishing the object of your mission.

You will bear with you a copy of the Treaty with the amendments of the Senate ratified in due form by the President of the United States, together with a full power to exchange the ratifications with any Mexican authority clothed with a like full power from his Government to perform this duty. After the exchange of ratifications, you will return to the United States with the copy of the Treaty ratified by the Mexican Government, which you shall have received.

Should the Mexican Government ratify the Treaty with the amendment of the Senate striking out its tenth article, and refuse to ratify all or any of the remaining amendments, you will, then, notwithstanding, urge them to send without delay a Commissioner or other diplomatic agent to the United States clothed with full power to exchange ratifications in the City of Washington, in case the Senate should advise and consent to the ratification of the Treaty in the form in which it shall have been ratified by Mexico.

Upon reaching the City of Mexico, you will immediately address a note to the Mexican Minister for Foreign Affairs, apprizing him of your arrival and of your readiness to confer, without delay, on the subject of your mission, either with himself or with any authorized agent of the Mexican Government, at any place which may be designated.

In regard to the first three millions of the fifteen millions of dollars secured to the Mexican Government by the twelfth article of the Treaty as amended, provision has already been made for its payment, under the authority which has been given to Major-General William O. Butler by the Secretary of the Treasury to draw on the Treasury of the United States for that

amount. General Butler's draft, which will be promptly honored on presentation, you may deliver to the appropriate Mexican authorities, immediately after the Treaty with the amendments of the Senate shall have been duly ratified by the Mexican Government. As the disbursement of so large a sum is a matter of great importance, you should use every precaution to be certain that the draft shall be drawn in favor of the proper Mexican functionary, and that the whole business shall be transacted in such a manner that no difficulty can hereafter arise upon the subject. You will take receipts in triplicate for such draft, which ought, if possible, to be signed by the President of Mexico and countersigned by the Minister of Finance.

You are also furnished with four evidences of debt from the Secretary of the Treasury, dated on the 16th instant, for three millions of dollars each, corresponding with the four instalments to be paid to Mexico under the 12th Article of the Treaty as amended by the Senate. These evidences are in exact conformity with the Treaty. Should you discover that for the want of them serious impediments might exist to the ratification of the Treaty on the part of Mexico, you are then authorized to make known to the Mexican Government that they are in your possession and that you will deliver them over immediately after the exchange of ratifications. Still, the President would prefer that the Mexican Government should be satisfied with the obligation as it stands contained in the 12th Article. In that event, you will cancel these evidences and return them to this Department.[1] Should you deliver them over, you will use all the precautions which I have suggested in relation to the draft for three millions of dollars.

The naval forces of the United States in the Pacific have captured Mazatlan and other places on the West coast of Mexico. These, by the terms of the Treaty, must be surrendered. To avoid unnecessary delay in its execution, the Secretary of the Navy, by direction of the President, has issued orders to the commander of these forces to evacuate all the ports and places in the Mexican territory on the Pacific which may be in his military possession south of the line of boundary established by the Treaty, as soon as he shall receive notice of the exchange of

[1] These evidences were never used, but were cancelled and returned to the department. J. B. [This note appears in the printed document, but of course is not in the record book. J. B. M.]

ratifications. You will, therefore, communicate to him a knowledge of this event as speedily as possible, and at the same time transmit him a copy of the Treaty.

Yours, very respectfully,

JAMES BUCHANAN.

TO AMBROSE H. SEVIER, ESQUIRE,
Commissioner to Mexico, &c., &c., &c.

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## TO THE MEXICAN MINISTER OF FOREIGN RELATIONS.[1]

DEPARTMENT OF STATE,
WASHINGTON, 18th March, 1848.

SIR: Two years have nearly passed away since our Republics have been engaged in war. Causes which it would now be vain if not hurtful to recapitulate, have produced this calamity. Under the blessing of a kind Providence, this war, I trust, is about to terminate, and, hereafter, instead of the two nations doing each other all the harm they can, their mutual energies will be devoted to promote each other's welfare by the pursuits of peace and of commerce. I most cordially congratulate you on the cheering prospect. This will become a reality as soon as the Mexican Government shall approve the treaty of peace between the two nations concluded at Guadalupe Hidalgo on the 2nd February, last, with the amendments thereto which have been adopted by the Senate of the United States.

The President, in the exercise of his constitutional discretion, a few days after this treaty was received, submitted it to the Senate for their consideration and advice as to its ratification.

Your Excellency is doubtless aware that under the Constitution of the United States, "the advice and consent of the Senate" is necessary to the validity of all treaties, and that this must be given by a majority of two thirds of the Senators present. Every Treaty must receive the sanction of this august Executive Council in the manner prescribed by the Constitution, before it can be binding on the United States.

[1] MSS. Department of State, Communications to Foreign Sovereigns and States, III 51; S. Ex. Doc. 60, 30 Cong. 1 Sess. 66; H. Ex. Doc. 69, 30 Cong. 1 Sess. 60; H. Ex. Doc. 50, 30 Cong. 2 Sess. 42.

The Senate commenced their deliberations on this Treaty on the 23d February, last, and continued to discuss its provisions until the 10th instant (March) when they finally advised and consented to its ratification, by a majority of 38 to 14. Your Excellency will perceive that a change of 4 votes taken from the majority and added to the minority would have defeated the Treaty.

I have now the honor to transmit you a printed copy of the Treaty, with a copy, in manuscript, of the amendments and final proceedings of the Senate upon it. This is done to hasten with as little delay as practicable the blessed consummation of peace, by placing in the possession of the Mexican Government at as early a period as possible all the information which they may require to guide their deliberations.

In recurring to the amendments adopted by the Senate, it affords me sincere satisfaction to observe that none of the leading features of the Treaty have been changed. Neither the delineation of the boundaries between the two Republics, nor the consideration to be paid to Mexico for the extension of the boundaries of the United States, nor the obligation of the latter to restrain the Indians within their limits from committing hostilities on the territories of Mexico, nor, indeed, any other stipulation of national importance to either of the parties, has been stricken out from the Treaty by the Senate. In all its important features, it remains substantially as it was when it came from the hands of the negotiators.

The first amendment adopted by the Senate is to insert in Article 3, after the words "Mexican Republic" where they first occur, the words, "*and the ratifications exchanged.*"

Under this article, as it originally stood, the blockades were to cease and the troops of the United States were to commence the evacuation of the Mexican territory immediately upon the ratification of the Treaty by both Governments. The amendment requires in addition that these ratifications shall have been first exchanged.

The object of this amendment doubtless was to provide against the possibility that the American Senate and the Mexican Congress might ratify the Treaty, the first in its amended and the latter in its original form; in which event peace would not thereby be concluded. Besides, it was known that this amendment could produce no delay, as under the amendment of the Senate to the 23d article, the ratifications of the Treaty may

be exchanged at the seat of Government of Mexico the moment after the Mexican Government and Congress shall have accepted the Treaty as amended by the Senate of the United States.

The second amendment of the Senate is to strike out the 9th Article and insert the following in lieu thereof.

ARTICLE 9.

"The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted, at the proper time, (to be judged of by the Congress of the United States,) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."

This article is substantially the same with the original 9th article; but it avoids unnecessary prolixity and accords with the former safe precedents of this Government in the Treaties by which we acquired Louisiana from France and Florida from Spain.

The Louisiana Treaty of the 30th April, 1803, contains the following article.

ARTICLE 3.

"The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Again, in the Florida Treaty of 22d February, 1819, the following articles are contained.

ARTICLE 5.

"*The inhabitants of the ceded Territories shall be secured in the free exercise of their religion, without any restriction;* and all those who may desire to remove to the Spanish Dominions shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties."

ARTICLE 6.

"The inhabitants of the territories which His Catholic Majesty cedes to the United States, by this Treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States."

Under these Treaties with France and Spain, the free and flourishing States of Louisiana, Missouri, Arkansas, Iowa, and Florida have been admitted into the Union; and no complaint has ever been made by the original or other inhabitants that their civil or religious rights have not been amply protected. The property belonging to the different churches in the United States is held as sacred by our Constitution and laws as the property of individuals; and every individual enjoys the inalienable right of worshipping his God according to the dictates of his own conscience. The Catholic Church in this country would not, if they could, change their position in this particular.

After the successful experience of nearly half a century, the Senate did not deem it advisable to adopt any new form for the 9th Article of the Treaty; and surely the Mexican Government ought to be content with an article similar to those which have proved satisfactory to the Governments of France and Spain, and to all the inhabitants of Louisiana and Florida, both of which were Catholic provinces.

I ought perhaps here to note a modification in the 9th article, as adopted by the Senate, of the analogous articles of the Louisiana and Florida Treaties. Under this modification, the inhabitants of the ceded territories are to be admitted into the Union "at the proper time (to be judged of by the Congress of the United States)" &c.

Congress, under all circumstances and under all Treaties, are the sole judges of this proper time, because they, and they alone, under the Federal Constitution, have power to admit new States into the Union. That they will always exercise this power as soon as the condition of the inhabitants of any acquired territory may render it proper, cannot be doubted. By this means the Federal Treasury can alone be relieved from the expense of supporting territorial Governments. Besides, Congress will never lend a deaf ear to a people anxious to enjoy the privilege of self government. Their application to become a State or

States of the Union will be granted the moment this can be done with safety.

The third amendment of the Senate strikes from the Treaty the 10th Article.

It is truly unaccountable how this article should have found a place in the Treaty. That portion of it in regard to lands in Texas did not receive a single vote in the Senate. If it were adopted, it would be a mere nullity on the face of the Treaty, and the Judges of our Courts would be compelled to disregard it. It is our glory that no human power exists in this country which can deprive one individual of his property without his consent and transfer it to another. If grantees of lands in Texas, under the Mexican Government, possess valid titles, they can maintain their claims before our Courts of Justice. If they have forfeited their grants by not complying with the conditions on which they were made, it is beyond the power of this Government, in any mode of action, to render these titles valid either against Texas or any individual proprietor. To resuscitate such grants and to allow the grantees the same period after the exchange of the ratifications of this Treaty to which they were originally entitled for the purpose of performing the conditions on which these grants had been made, even if this could be accomplished by the power of the government of the United States, would work manifold injustice.

These Mexican grants, it is understood, cover nearly the whole sea coast and a large portion of the interior of Texas. They embrace thriving villages and a great number of cultivated farms, the proprietors of which have acquired them honestly by purchase from the State of Texas. These proprietors are now dwelling in peace and security. To revive dead titles and suffer the inhabitants of Texas to be ejected under them from their possessions, would be an act of flagrant injustice if not wanton cruelty. Fortunately this Government possesses no power to adopt such a proceeding.

The same observations equally apply to such grantees in New Mexico and Upper California.

The present Treaty provides amply and specifically in its 8th and 9th Articles for the security of property of every kind belonging to Mexicans, whether acquired under Mexican grants or otherwise, in the acquired territory. The property of foreigners, under our Constitution and laws, will be equally secure without any Treaty stipulation. The tenth article could have

no effect upon such grantees as had forfeited their claims, but that of involving them in endless litigation, under the vain hope that a Treaty might cure the defects in their titles against honest purchasers and owners of the soil.

And here it may be worthy of observation that if no stipulation whatever were contained in the Treaty to secure to the Mexican inhabitants and all others protection in the free enjoyment of their liberty, property, and the religion which they profess, these would be amply guaranteed by the Constitution and laws of the United States. These invaluable blessings, under our form of Government, do not result from Treaty stipulations, but from the very nature and character of our institutions.

The fourth amendment of the Senate is to strike from the 11th Article the following words: "nor to provide such Indians with fire arms or ammunition, by sale or otherwise." This amendment was adopted on a principle of humanity. These Indians must live by the chase; and without fire arms they cannot secure the means of subsistence. Indeed, for the want of such arms, the extremity of hunger and suffering might drive them to commit the very depredations which the Treaty seeks to avoid, and to make incursions for food either upon the Mexican or American settlements. This Government possesses both the ability and the will to restrain the Indians within the extended limits of the United States from making incursions into the Mexican territories, as well as to execute all the other stipulations of the 11th article. We believe, however, that whilst to deprive them of fire arms and ammunition would be cruel, it would at the same time have a tendency to increase rather than to diminish their disposition to make hostile incursions.

The fifth amendment of the Senate to the twelfth article adopts the second mode of payment of the remaining $12,000,000, after the payment of the first $3,000,000, in exclusion of the first mode pointed out by the Treaty. The amended article as it stands is as follows.

ARTICLE 12.

"In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present Treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars. Immediately after this Treaty shall have been duly ratified by the Government of the Mexican Republic, the sum

of three millions of dollars shall be paid to the said Government by that of the United States, at the City of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of Twelve millions from the day of the ratification of the present Treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid."

It is not apprehended that the Mexican Government will have any difficulty in agreeing to this amendment. It is true that in case they should find it convenient to anticipate the receipt of the whole or any part of the $12,000,000, they might do this more readily were a stock to be created and transferable certificates issued for small and convenient sums; but yet no doubt is entertained that capitalists may be found who will be willing to advance any amount that might be desired upon the faith of a Treaty obligation solemnly entered into by the Government of the United States.

The sixth amendment of the Senate is to insert in the twenty-third article, after the word "Washington," the words "or at the seat of Government of Mexico." The object of this amendment is to hasten the final conclusion of peace between the two Republics. Under it, should the President and Congress of Mexico agree to the Treaty as it has been amended by the Senate of the United States, the ratifications may be immediately thereafter exchanged at Queretaro and the happy consummation be at once accomplished.

The seventh and last amendment of the Senate is to strike out the additional article. This was done from the conviction that the period of four months from the date of the Treaty, the time allowed by the 23rd Article for the exchange of ratifications, would be abundantly sufficient for this purpose; and this more especially as the ratifications may now, under the amendment of the Senate, be exchanged in Mexico. Besides, the idea of postponing the final conclusion of peace and keeping the present Treaty pending between the two governments until the 2nd October, next, could not be entertained by the Senate.

The President, by and with the advice and consent of the Senate, has appointed the Honorable Ambrose H. Sevier of the State of Arkansas and the Honorable Nathan Clifford of the State of Maine Commissioners to Mexico with the rank of Envoy Extraordinary and Minister Plenipotentiary. Mr. Sevier has for many years been a distinguished Senator of the United States, and for a considerable period has occupied the highly responsible station of Chairman of the Committee on Foreign Relations; and Mr. Clifford is an eminent citizen of the State of Maine, is Attorney General of the United States, and a member of the President's cabinet. They will bear with them to Mexico a copy of the Treaty with the amendments of the Senate duly ratified by the President of the United States; and have been invested, either jointly or severally, with full powers to exchange ratifications with the proper Mexican authorities. That this final act may be speedily accomplished and that the result may be a sincere and lasting peace and friendship between the two Republics, is the ardent desire of the President and people of the United States.

I avail myself of this occasion to offer to Your Excellency the assurance of my most distinguished consideration.

JAMES BUCHANAN.

TO HIS EXCELLENCY, THE MINISTER OF FOREIGN RELATIONS OF THE MEXICAN REPUBLIC.

P. S. I regret to inform Your Excellency that Mr. Sevier has been seized with a sudden illness which renders him unable to depart immediately upon his mission. The two Commissioners, however, have been invested with full and equal powers to execute their instructions severally, as well as jointly, and the acts of the one will be of equal validity with the acts of both. No delay can therefore be experienced on this account. It is expected that Mr. Sevier will be able to leave for Mexico in a week or ten days.

## TO THE PRESIDENT.[1]

[March 20 1848.]

The Secretary of State, to whom was referred that part of the Resolution of the House of Representatives of the 7th ultimo, requesting the President to communicate to that House "copies of all correspondence between Major General Scott and N. P. Trist, late Commissioner of the U. S. in Mexico, and between the latter and the Secretary of State, which has not heretofore been published, and the publication of which may not be incompatible with the public interest," has the honor to lay before the President the accompanying papers, and to report that they comprise all the correspondence between General Scott and Mr. Trist, and between the latter and this Department relating thereto, on record or on file in the Department.

All which is respectfully submitted.

JAMES BUCHANAN.

DEPARTMENT OF STATE,
WASHINGTON, 20th March, 1848.

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## TO THE PRESIDENT.[2]

[March 21, 1848.]

TO THE PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the Resolution of the House of Representatives of the 8th instant calling for "any correspondence which may have recently taken place with the British Government, relative to the adoption of principles of reciprocity in the trade and shipping of the two countries, provided such communication shall not, in his judgment, conflict

[1] MSS. Department of State, Report Book, VI 243; H. Ex. Doc. 56, 30 Cong. 1 Sess. 2; H. Ex. Doc. 60, 30 Cong. 1 Sess. 812. This report was transmitted by President Polk to the House on the same day, with a formal message, which is printed in the documents here cited. The message is printed in Richardson's Messages and Papers of the Presidents, IV. 577, under the erroneous date of March 10.

[2] MSS. Department of State, Report Book, VI 243. This report was transmitted by President Polk to the House, March 24, 1848. The message, but not the report, is printed in Richardson's Messages and Papers of the Presidents, IV. 578.

with the public interest," has the honor to report the accompanying copy of papers.

Respectfully submitted,

JAMES BUCHANAN.

DEPARTMENT OF STATE,
WASHINGTON, 21st March, 1848.

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## TO THE PRESIDENT.[1]

[March 22, 1848.]

TO THE PRESIDENT OF THE UNITED STATES:

The Secretary of State, to whom has been referred the Resolution of the Senate of the 17th instant, requesting the President to transmit to the Senate a copy of "a despatch to the U. S. Consul at Monterey, T. O. Larkin, Esquire," forwarded in November, 1845, by Captain Gillespie of the Marine Corps—and which was by him destroyed before entering the port of Vera Cruz, if a communication of the same be not, in his opinion, incompatible with the public interest, has the honor respectfully to submit to the President a copy of the despatch requested by the Resolution. A part of one sentence of the despatch, containing a statement of Mr. Larkin, has been omitted in the copy, which for obvious reasons it would be improper to publish.

JAMES BUCHANAN.

DEPARTMENT OF STATE,
WASHINGTON, 22d March, 1848.

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[1] MSS. Department of State, Report Book, VI. 244. This report was communicated by President Polk to the Senate, in executive session, on March 24, 1848. In his message President Polk said: "The resolution of the Senate appears to have been passed in legislative session. Entertaining the opinion that the publication of this despatch at this time will not be 'compatible with the public interests,' but unwilling to withhold from the Senate information deemed important by that body, I communicate a copy of it to the Senate in executive session." (Senate Executive Journal, VII. 354.)

## TO MESSRS. SEVIER AND CLIFFORD.

(No. 2.) DEPARTMENT OF STATE.

WASHINGTON, 22nd March, 1848.

GENTLEMEN: Referring to my instructions of the 18th instant relative to the amendments made by the Senate to the 12th article of the Treaty, in regard to the mode of payment of the $12,000,000, the President has deemed it proper to give you additional instructions upon this subject.

The Mexican Government may, notwithstanding all your efforts, refuse to ratify the Treaty because of these amendments to the twelfth article. In that event you are authorized to conclude a new Treaty with the Mexican Government, adopting either the first or the second mode of payment of the $12,000,000, prescribed by the twelfth article as it stood originally, *provided that Government shall have first ratified the original treaty with all the amendments adopted by the Senate.* In case you should conclude such a Treaty, it ought immediately to be ratified by Mexico and a ratified copy be brought to Washington at the same time with the ratified copy of the Treaty which you shall have received in exchange from the Mexican Government for the copy ratified by the President.

It is not doubted by the President that the Senate would immediately advise and consent to the ratification of the new Treaty which may be concluded by you. By this expedient, in case it should become necessary to resort to it, a delay of six weeks or two months in the final conclusion of peace might be avoided.

A full power to you or either of you to conclude such a Treaty is herewith furnished.

According to my instructions of the 18th instant, Mr. Sevier, after the exchange of the ratifications, is directed to return to the United States with the copy of the Treaty ratified by the Mexican Government. In that event Mr. Clifford will not accompany him, but will remain in Mexico until he shall receive further instructions.

Yours, very respectfully,

JAMES BUCHANAN.

To AMBROSE H. SEVIER and NATHAN CLIFFORD, ESQUIRES,
Commissioners to Mexico.

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[1] MSS. Department of State, Instructions, Mexico, XVI. 98; H. Ex. Doc. 50, 30 Cong. 2 Sess. 53.

## TO MR. JOHNSON.[1]

DEPARTMENT OF STATE.
WASHINGTON, 22d March, 1848.

TO THE HONORABLE H. V. JOHNSON,
Senate.

DEAR SIR:

Your letter of the 8th inst., was duly received but was accidentally mislaid. The statistical information which it requests cannot be furnished by this Department, but it is presumed you may obtain it by applying to the Register of the Treasury.

There is no evidence in this Department that General Jackson, during his Presidency, authorised five millions of dollars to be offered for the port of San Francisco.

I have the honor to be,
Very respectfully, Your obedient servant,
JAMES BUCHANAN.

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## TO THE PRESIDENT.[2]

DEPARTMENT OF STATE.
WASHINGTON, 22d March, 1848.

The Secretary of State, to whom was referred the Resolution of the Senate of the 24th January, last, requesting the President "to communicate to the Senate, if not inconsistent with the public interest, the correspondence of Mr. Wise, late Minister, &c., of the U. S. at the Court of Brazil, with the Department of State of the U. States, and with the Minister and Secretary of State for Foreign Affairs of Brazil, with the accompanying papers, as embraced in his despatches from number 53 to number 64, inclusive, and in his despatch from off the capes of Virginia, dated October 9th, 1847, and in his letter to the Secretary of State, dated at Washington, November 3d, 1847, and the despatches of Mr. Buchanan, Secretary of State, to Mr. Wise, No. 30, dated the 2d February, 1847, and No. 33, dated 29th March, 1847, all relating to the imprisonment of Alonzo B. Davis, a Lieutenant of the U. S. Navy, and three seamen of the U. S.,

[1] MSS. Department of State, Report Book, VI. 245.

[2] MSS. Department of State, Report Book, VI. 244. This report was sent by the President to the Senate on the same day, and is printed with the accompanying documents in S. Ex. Doc. 29, 30 Cong. 1 Sess.

by the police authority of the city of Rio de Janeiro, on the 31st of October, 1846,"—has the honor to lay before the President a copy of the correspondence requested by the Resolution.

Respectfully submitted,

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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## TO MR. SHIELDS.[1]

(No. 25.) DEPARTMENT OF STATE.
WASHINGTON, 22nd March, 1848.

TO B. G. SHIELDS, ESQUIRE,
&c. &c. &c.

SIR:

Your despatches Nos. 48, 49, 50, and 51, with their respective enclosures, have been received; and the accounts which they contain of the recent unhappy disturbances in Venezuela have been read by the President with the most painful interest. While he laments, however, that such scenes of violence have been permitted to occur among a people calling themselves republican and professing to be guided in their political institutions by the example of the United States, he is satisfied, nevertheless, that the proper remedy for these disorders is not to be found in the intervention of any foreign government in the affairs of Venezuela, but can only be successfully applied by its own citizens. The policy of the United States, as you are aware, is that of entire independence with respect to its own Government, and of scrupulous neutrality with respect to the internal concerns of other nations; and to this policy, which has found ample approval during the whole period of our national existence, you will be careful in all respects to conform, while you continue in your present station.

Enclosed you will receive copies of a letter addressed by this Department to the Secretary of the Navy, under date of the 2nd instant, and of his reply thereto of the same date, by which you will learn that a ship of war may soon be expected on the coast of Venezuela, in compliance with your request; and with the protection which will thus be afforded them, it is hoped that no serious injury can occur to the persons and property of American

[1] MSS. Department of State, Instructions, Venezuela, I. 69.

citizens in that republic. Enclosed also is a copy of a letter from the Secretary of the Navy to Commodore Perry, dated March 2nd instant, from which it will be seen that the commander of the ship which is about proceeding to La Guayra will be directed to communicate with you, and touch at such ports as you may deem expedient. You will remember that she is sent to Venezuela for the purpose of affording security to American interests, and will be careful to advise her employment on no service which may be justly regarded as inconsistent with the neutral character of the United States.

Amidst the difficult circumstances by which you have been surrounded, the President is happy to observe that your conduct seems to have been marked by discretion no less than by firmness, and that you have not been led, by your abhorrence of the violence which you have witnessed, to forget your position as a representative to this Government. That your mansion as well as the houses of other foreign legations in Caracas should have been employed, during a period of popular excitement and alarm, as a temporary asylum for the weak or the timid who might have deemed their lives in jeopardy from lawless outrage, can nowhere be regarded either with surprise or regret; and it is gratifying to perceive that its employment for this purpose is not complained of in either of the notes addressed to you by the Minister of Foreign Affairs for the Government of Venezuela, of which you have forwarded copies to this Department. The extent, however, to which this protection may be justly carried, must be determined by the minister himself, under the exigencies of each particular case, and with reference to the established principles of the law of nations.

A minister in a foreign country is regarded by the public law as independent of the local jurisdiction within which he resides, and responsible for any offences he may commit only to his own Government. The same peculiar character belongs, also, to his suite, his family, and the members of his household, and in whatever relates to himself, or to them, is extended even to the mansion which he occupies. Whether its asylum can be violated under any circumstances, it is unnecessary on this occasion to inquire; but there is no doubt whatever, that, if it can be rightfully entered at all without the consent of its occupant, it can only be so entered in consequence of an order emanating from the supreme authority of the country in which the Minister resides, and for which it will be held responsible by his Government.

For the established doctrine on this subject, I refer you to Vattel's Law of Nations, chapter 9, sect. 118; to Martens' Manuel Diplomatique, Chapter 3, sect. 31; and to Wheaton's Elements of International Law, p. 174–184.

Your application for leave of absence for six months, to enable you to accompany your family to the United States, has been submitted to the President, but, although he desires very much to oblige you, he considers it inexpedient, in the present state of affairs in Venezuela, to comply with your request.

In reply to your request for permission to draw in advance, for the full amount of the contingent fund of your Legation for the current year, you are referred to the rules on this subject contained in your printed personal instructions, which were carefully prepared with reference to existing laws, and which it is not now deemed desirable to change.

I am, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,

WASHINGTON, 24th March, 1848.

The Secretary of State, to whom has been referred the resolution of the Senate of the 17th inst., requesting the President to communicate to that body "copies of the correspondence between the Minister of the U. S. at London and any authorities of the British Government, in relation to a postal arrangement between the two countries," has the honor to report to the President the accompanying copies of papers.

Respectfully submitted,

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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[1] MSS. Department of State, Report Book, VI. 246. This report was sent by the President to the Senate on March 27, and was printed in S. Ex. Doc. 30, 30 Cong. 1 Sess. 1.

## TO MR. CAMERON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27th March, 1848.

HON. SIMON CAMERON,
Senate.

MY DEAR SIR:

I was greatly astonished to learn from you on Friday evening, after the adjournment of the Senate, that suspicions had been expressed in that body that the State Department had furnished the copy of the Confidential Document No. 7, containing the treaty with Mexico, the President's Message, and the accompanying documents, which appeared in the New York Herald. It is due to myself to state that these suspicions are wholly unfounded. I never delivered a copy of this document to any human being except to those entitled to receive them. With this exception no person ever asked me for a copy, or even insinuated such a request, and if they had I should have considered it a personal insult. The Department is ready and anxious to account for all the copies which it received; and it is due to its character that the Senate shall continue the investigation of this subject until every trace of suspicion against me, and more especially against the excellent gentleman who had the custody of these copies, shall be removed. I waive every privilege which might be supposed to exist, and both myself and all the clerks in the Department cheerfully offer to be examined on oath before the Committee of the Senate. My former association with the members of that distinguished Body, and those the most agreeable of my life, leave me no room to doubt that they will do me full justice in this particular.

Yours very respectfully,

JAMES BUCHANAN.

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[1] MSS. Department of State, 36 Domestic Letters, 399.

## TO MR. DICKENS.[1]

DEPARTMENT OF STATE,
WASHINGTON, March 27, 1848.

ASBURY DICKENS, ESQ.,
Secretary of the Senate.

SIR:

Circumstances which cannot have escaped your notice render it necessary that I should ascertain from you, *officially*, the number of copies of the Mexican treaty, with the accompanying confidential message and correspondence, which were sent to this Department, and on what day they were transmitted.

Unless I have mistaken or forgotten the practice of your office, the Senate will have no difficulty in ascertaining from whom, if not by what means, the copies of this treaty and correspondence, which must have been in the possession of several northern Editors, have been taken. After all that has passed, this is now due from the Senate to the Department of State, and especially to the excellent gentleman who had the custody of these treaties. In this view, I would respectfully ask you to inform me, how many copies of this treaty, &c., were received by you from the printers, how many of these were distributed by you and to whom, and how many still remain in your possession. You will please to answer me at your earliest convenience.

Yours very respectfully,

JAMES BUCHANAN.

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## TO M. PAGEOT.[2]

DEPARTMENT OF STATE,
WASHINGTON, 29th March, 1848.

MR. ALPHONSE PAGEOT,
&c. &c. &c.

SIR:

I have had the honor to receive your note informing me that from this day you consider your functions as Envoy Extraordinary and Minister Plenipotentiary of France as at an end.

In taking leave of you in this character, I should do injustice to my own feelings, were I not to state that the manner in which

[1] MSS. Department of State, 36 Domestic Letters, 399.
[2] MSS. Department of State, Notes to French Legation, VI. 117.

you have performed your high duties has been perfectly acceptable both to the President and myself. Whilst sustaining the interests of your own country with distinguished ability, you have manifested so much courtesy and kindness in our official intercourse as to have rendered it at all times agreeable. Personally, I shall ever feel a deep interest in your welfare.

I beg you to accept the assurance of my high consideration.

JAMES BUCHANAN.

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## TO MR. MEEK.[1]

DEPARTMENT OF STATE,
WASHINGTON, 30th March, 1848.

ALEXANDER B. MEEK, ESQ.
U. S. Attorney for the Southern
District of Alabama, Mobile.

SIR:

I transmit to you, enclosed, a copy of a letter lately addressed to me by the Chargé d'Affaires of Her Britannic Majesty at Washington, remonstrating against the enforcement of the provisions of the penal code of the state of Alabama relative to the arrival of free negroes within her jurisdiction.

You will perceive, from a perusal of Mr. Crampton's note, that he calls the attention of this Government to the practical application of these state laws, in two instances of recent occurrence, to certain colored persons forming a portion of the crews of the British ships "Queen" and "Portland," and complains of the treatment to which the individuals referred to have been subjected by the authorities at Mobile. I have the honor to request that you will institute a strict inquiry into all the facts and circumstances connected with these cases, and report the result of your investigation to this Department, together with such observations and explanations as you may deem necessary to a full understanding of the whole matter.

I am, &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 36 Domestic Letters, 401.

## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE.

WASHINGTON, 30 March, 1848.

The Secretary of State, to whom was referred the Resolution of the Senate of the 28th Instant, requesting the President to communicate to the Senate a copy of the instructions from the Minister for Foreign Affairs of Brazil to Mr. Leal, the Brazilian Chargé d'Affaires at Washington, under date the 31st of May, last, and by him communicated to the Department of State, of the notes of Mr. Buchanan to Mr. Leal of the 30th August and 15th November, last, and of the documents therein referred to; provided that, "in his opinion, the communication can be made compatibly with the public interests," has the honor to lay before the President the papers specified in the subjoined list, which include all those called for by the Resolution not already communicated to the Senate.

Respectfully submitted,

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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## TO MR. RUSH.[2]

(No. 12.) DEPARTMENT OF STATE.

WASHINGTON, 31st March, 1848.

SIR: I received last evening your despatch of the 4th instant, No. 17, containing a sketch of the progress of the French Revolution, and of the course which you have adopted towards the Provisional Government. I am happy to inform you that the President cordially approves your conduct. It was right and proper that the Envoy Extraordinary and Minister Plenipotentiary from the United States should be the first to recognise, so far as his powers extended, the Provisional Government of the French Republic. Indeed, had the representative of any other nation preceded you in this good work, it would have been

[1] MSS. Department of State, Report Book, VI. 248. This report was sent by the President to the Senate March 30, and was printed with the accompanying correspondence in S. Ex. Doc. 35, 30 Cong. 1 Sess. 1.

[2] MSS. Department of State, Instructions, France, XV. 61; S. Ex. Doc. 53, 30 Cong. 1 Sess. 3–7.

regretted by the President. Your speech on the 28th ultimo, at the Hotel de Ville, to the members of the Provisional Government, was eminently judicious. Whilst it truly expressed the feelings of the President and people of the United States for the success of the new Republic, it did not omit our cherished policy of "leaving to other nations the choice of their own forms" of Government.

I transmit to you, herewith, a letter of credence from the President to the French Republic. You are also furnished with a copy of this letter, which you will communicate to the Minister of Foreign Affairs, on asking an audience for the purpose of delivering the original to the Chief Executive Authority in France. At this audience you will make such remarks as may be dictated by your own good judgment and discretion, and by your knowledge of the lively interest which the President feels in the prosperity and stability of the French Republic.

In its intercourse with foreign nations the Government of the United States has, from its origin, always recognised de facto Governments. We recognise the right of all nations to create and reform their political institutions according to their own will and pleasure. We do not go behind the existing Government to involve ourselves in the question of legitimacy. It is sufficient for us to know that a Government exists capable of maintaining itself; and then its recognition on our part inevitably follows. This principle of action, resulting from our sacred regard for the independence of nations, has occasioned some strange anomalies in our history. The Pope, the Emperor of Russia, and President Jackson were the only authorities on earth which ever recognized Don Miguel as king of Portugal.

Whilst this is our settled policy, it does not follow that we can ever be indifferent spectators to the progress of liberty throughout the world, and especially in France. We can never forget the obligations which we owe to that generous nation for their aid at the darkest period of our revolutionary war in achieving our own independence. These obligations have been transmitted from father to son—from generation to generation, and are still gratefully remembered. They yet live freshly in the hearts of our countrymen. It was, therefore, with one universal burst of enthusiasm that the American people hailed the late glorious revolution in France in favor of liberty and republican Government. In this feeling the President strongly sympathizes. Warm aspirations for the success of the new Republic are

breathed from every heart. Liberty and order will make France happy and prosperous. Her destinies, under Providence, are now in the hands of the French People. Let them by their wisdom, firmness, and moderation refute the slanders of their enemies and convince the world that they are capable of self-government.

In our exultation, however, we cannot forget that Republican France will have to contend with many difficulties. Among the chief of these is the danger that she may be involved in war with the Monarchical Powers of Europe. This she ought to avoid by every honorable means; and I am happy to believe that such will be the policy of the French Government, from the note of Mr. Lamartine to yourself, of the 27th ultimo, in which he eloquently observes "that the principle of peace and the principle of liberty were born on the same day in France." By abstaining from all aggressive movements, France will probably be able to perfect her republican institutions in peace. It can scarcely be conceived that any nation would commence hostilities against her simply because within her own limits she had abolished Monarchy and established a Republic.

It has been the policy of our Government from its origin never to interfere in the domestic concerns of other nations, and experience has demonstrated the wisdom of this policy. In this respect, France may profit by our example. If war must come, she ought carefully to avoid even the appearance of being the aggressor. Should she then be attacked by the Monarchical Powers of Europe for adopting a Republican Government, this would be an outrage on her rights as an independent nation. It would be an attempt to punish the French people for having chosen that form of Government which they deemed best calculated to promote their own happiness, and to force upon them a Monarchy by foreign bayonets. Such an invasion of their most sacred rights would be condemned by all just and wise men in every nation, and would be reprobated by an irresistible public opinion throughout the world.

If the new Republic can preserve peace with honor, it will avoid the many dangers to liberty which must always follow in the train of war. In a conflict with the great Powers of Europe, France would be compelled to put forth all her energies. She must increase her armies to the highest war standard; and may have to maintain them in the field for years. The sympathy of common dangers and the glory of common victories, throughout

a long and successful struggle, are calculated to excite feelings of enthusiastic attachment in armies towards their triumphant commander. Under such circumstances, the history of the world proves that soldiers are too prone to forget their country in admiration for their leader. From Cæsar to Cromwell, and from Cromwell to Napoleon, all powerful Republics have been destroyed by successful generals fresh from their fields of glory. It would be most lamentable, indeed, should the new Republic split upon this rock. In that event, the very means which she had adopted to defend her liberties against the foreigner might be employed to establish a military despotism at home. Such a catastrophe would probably, for many years, arrest the progress of constitutional freedom throughout Europe.

Even with a view to the extension of human liberty and free government throughout the world, France can do more by her peaceful example than she could accomplish, powerful as she is, by the sword. The example of a great and enlightened nation, in the midst of Europe, prosperous and happy in the enjoyment of constitutional freedom, could not fail to produce an irresistible influence in ameliorating the political condition of neighboring nations. Free institutions are in their very nature progressive, and if permitted to extend themselves by their own intrinsic power and excellence, they must gradually and surely pervade the civilized world. The people of each independent nation will then decide for themselves what degree of liberty is best adapted to their condition, without the forcible intervention of other nations. If France can maintain peace with honor, a general war in Europe between opposite and contending principles will be avoided; and the cause of the human race will not be staked upon the result of a few great battles, nor be decided by mere brute force.

I shall mention another difficulty which might possibly interfere with the final success of the French Revolution; but which I hope may be overcome. It will, I think, be seriously doubted by every philosophical observer of the working of our institutions, whether, if the State Governments were abolished, a central Republican Government could long be maintained even in this country. These State Governments are the citadels of liberty and the watchful guardians of the rights of the people against the encroachments of Federal power. Even if it were possible that the Federal Government could, by any sudden convulsion, be overthrown, the State Governments would still remain in full

force and vigor, affording protection to the lives, the liberty, and the property of their citizens. These sovereignties are the main pillars in our political edifice, and whilst they stand firm, the Federal Government, which is a constitutional emanation from them, cannot be seriously shaken. And yet it was deemed necessary to guard against the danger of any forcible interference by excited multitudes with the high duties of the President and Congress; and for this reason Washington opposed the establishment of the seat of the Federal Government in any of our large cities.

The history of the former French Revolution has, I think, rendered doubtful the stability of any purely central Republican Government in France. When such a Government is overthrown at the Capital all is lost. There never have been any other organized Governments in reserve throughout the provinces, similar to those in the United States, to which the people could resort, and around which they could rally. A revolution in Paris has always decided the fate of France. State Governments, or some substitute for them, would, therefore, seem to be advisable for the protection and security of constitutional liberty in the French Republic, composed as it is of thirty-five millions of people. If the ancient provinces of France were still in existence, State Governments might be easily established. Each of them had laws and customs peculiar to themselves, and their inhabitants were denominated Normans, Bretons, Gascons, &c., just as our people are called Pennsylvanians, Virginians, or Kentuckians. But these provinces have been long since abolished, and France is now composed of eighty-six departments. Why may not the whole territory of France be divided into a convenient number of States, grouping together for this purpose those departments whose geographical position, peculiar interests, and local feelings would render their population homogeneous? Governments similar to our State Governments might then be established in each of these divisions. I acknowledge that the task would be difficult; but yet if undertaken with the zeal, energy, and ability which characterize Frenchmen, it can be accomplished. The security and permanence of constitutional liberty in France may possibly depend upon the establishment of such State Governments. On this subject I speak with some diffidence and give you merely my impressions. I know that centralism would add strength to the Executive power, and render it more formidable to the enemies of France; but, at the

same time, there is some reason to apprehend that the adoption of this system might endanger both the liberty and the stability of the Republic.

I have ventured upon these speculations, because it is certain that, in your intercourse with the authorities of the new Republic, you will be often called upon in conversation for information respecting our political system, State and National, which they seem to have adopted as their model, and also for your opinion how far this system ought to be changed or modified so as best to adapt it to the peculiar position of the French Republic. Your intimate and enlightened knowledge of our Government, both theoretical and practical, will enable you to impart much valuable information and advice to the French authorities.

The President and people of the United States anxiously desire that the French Republic may be firmly established, and may secure the blessings of liberty and free Government to millions of Frenchmen yet unborn. Whilst we hope much and believe much, we still feel that anxiety for the result which is inseparable from the human mind whilst any doubt remains concerning the accomplishment of a great object in which we feel the most profound interest. You will not fail, therefore, to advise us regularly by every steamer of the progress of events in France.

I am, Sir, respectfully, Your obedient servant,

JAMES BUCHANAN.

RICHARD RUSH, ESQ., &c., &c., &c.

P. S.—The establishment of a Republic in France may, I trust, prove favorable to the removal of unwise restrictions in the trade between the two countries and to a commercial arrangement which would be equally beneficial to the people of both. I shall, ere long, address you on this subject. In the meantime you might adopt means to ascertain what would be the prospect of success.

## TO MR. BANCROFT.[1]

(No. 27.) DEPARTMENT OF STATE.
WASHINGTON, April 1, 1848.

GEORGE BANCROFT, ESQRE.,
&c., &c., &c.

SIR:

I have received and read with great satisfaction the interesting sketch which is contained in your despatch No. 65, dated 10th March, 1848, of the probable causes and results of the late revolution in France. For the general views of the Government of the United States on this subject, you are referred to the enclosed copy of a letter which has been this day addressed by the Department to the American Minister in Paris.

Appreciating as you do the deep anxiety with which the progress of events in Europe must be now regarded on this side of the Atlantic, you will not fail at this interesting period to communicate fully and frequently with this Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. INGERSOLL.[2]

(No. 5.) DEPARTMENT OF STATE.
WASHINGTON, April 1, 1848.

RALPH J. INGERSOLL, ESQRE.,
&c., &c., &c.

SIR:

Your despatch No. 8, dated the 11th of February, and requesting your recall from your present mission, has been received.

Under ordinary circumstances, the reasons which have prompted your request would probably induce the President to comply with it; but in the present condition of European affairs, although he desires very much to oblige you, he considers it highly necessary that you should remain at your post. When your letter was written, the late revolution in France had not occurred; and you could not therefore have anticipated the increased importance which by that event has been given to Russia, and the consequent

[1] MSS. Department of State, Instructions, Great Britain, XV. 358.
[2] MSS. Department of State, Instructions, Russia, XIV. 81.

interest with which her movements and her policy must now be regarded by other nations. Of these considerations you are now however fully aware, and you will see in them undoubtedly the most weighty reasons for postponing your return to the United States. Enclosed is a copy of a despatch which has this day been addressed by the Department to the American Minister in Paris, and to which you are referred for the general views of this Government upon the subject of the late French revolution.

The President has no doubt that you will use every effort to keep yourself informed of the progress of events in Russia, and expects that you will not fail to communicate often and fully with this Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## MESSAGE OF PRESIDENT POLK

### ON THE REVOLUTION IN FRANCE.[1]

[April 3, 1848.]

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

I communicate to Congress, for their information, a copy of a despatch, with the accompanying documents, received at the Department of State, from the envoy extraordinary and minister plenipotentiary of the United States at Paris, giving official information of the overthrow of the French monarchy, and the establishment in its stead of a "provisional government, based on republican principles."

This great event occurred suddenly, and was accomplished almost without bloodshed. The world has seldom witnessed a more interesting or sublime spectacle than the peaceful rising of the French people, resolved to secure for themselves enlarged liberty, and to assert, in the majesty of their strength, the great truth that in this enlightened age man is capable of governing himself.

The prompt recognition of the new government, by the representative of the United States at the French Court, meets my full and unqualified approbation; and he has been authorized, in a suitable manner, to make known this fact to the constituted authorities of the French Republic.

Called upon to act upon a sudden emergency, which could not have been anticipated by his instructions, he judged rightly of the feelings and sentiments of his government and his countrymen, when, in advance of the diplomatic representatives of other countries, he was the first to recognize, so far as it was in his power, the free government established by the French people.

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[1] S. Ex. Doc. 32, 30 Cong. 1 Sess.

The policy of the United States has ever been that of non-intervention in the domestic affairs of other countries, leaving to each to establish the form of government of its own choice.

While this wise policy will be maintained towards France, now suddenly transformed from a monarchy into a republic, all our sympathies are naturally enlisted on the side of a great people who, imitating our example, have resolved to be free. That such sympathy should exist on the part of the people of the United States with the friends of free government in every part of the world, and especially in France, is not remarkable. We can never forget that France was our early friend in our eventful revolution, and generously aided us in shaking off a foreign yoke, and becoming a free and independent people.

We have enjoyed the blessings of our system of well regulated self-government for near three-fourths of a century, and can properly appreciate its value. Our ardent and sincere congratulations are extended to the patriotic people of France upon their noble, and thus far successful, efforts to found for their future government liberal institutions similar to our own.

It is not doubted that, under the benign influence of free institutions, the enlightened statesmen of republican France will find it to be for her true interest and permanent glory to cultivate with the United States the most liberal principles of international intercourse and commercial reciprocity, whereby the happiness and prosperity of both nations will be promoted.

JAMES K. POLK.

WASHINGTON, April 3d, 1848.

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## TO MR. MANN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 4th April, 1848.

A. DUDLEY MANN, ESQRE.,
&c., &c., &c.

SIR:

Your despatches to No. 11, inclusive, have been received. The last, dated Munich, the 12th February, reached the Department on the 31st ultimo.

In reply to the inquiry contained in your No. 11, I have to inform you that the Declaration of Accession of Mecklenburg-Schwerin to the Hanoverian Treaty is still before the Senate.

In your No. 10, of the 5th February, you state, that the duties of your mission will probably be closed by the 1st of May; at which period, you express a wish that your pay and expenses may cease, and that permission may be granted you to remain

[1] MSS. Department of State, Instructions to Diplomatic Agents, &c., 11.

abroad. This arrangement, which does not appear to be unreasonable, is approved by the Department; and I have, therefore, great pleasure in acceding to your request.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. DONELSON.[1]

(No. 13.) DEPARTMENT OF STATE,
WASHINGTON, 5th April, 1848.

ANDREW J. DONELSON, ESQRE.,
&c., &c., Berlin.

SIR:

I have the honor to transmit to you a copy of a despatch addressed by this Department, on the 31st ultimo, to the American Minister in Paris, which will make you acquainted with the views entertained by your Government on the subject of the late Revolution in France. At a moment so critical in the affairs of Europe, you will keep the Department advised of every thing of interest which transpires in Prussia.

Your despatches to No. 59, inclusive—with their respective enclosures—have been received.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. STILES.[2]

No. 20. DEPARTMENT OF STATE.
WASHINGTON, 5th April, 1848.

WILLIAM H. STILES, ESQRE.,
etc., etc., Vienna.

SIR:

I have the honor to transmit to you a copy of a despatch addressed by this Department, on the 31st ultimo, to the American Minister in Paris, which will make you acquainted with the general views entertained by your Government upon the subject

[1] MSS. Department of State, Instructions, Prussia, XIV. 122.
[2] MSS. Department of State, Instructions, Austria, I. 51.

of the late French Revolution. At a moment so critical in the affairs of Europe, you will keep the Department advised of every thing of interest which transpires in Austria.

Your despatches to No. 22 inclusive have been received.

Upon inquiry in the proper Bureaux, it is ascertained that your papers and letters have been regularly transmitted from this Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. MARTIN.[1]

(No. 2.) DEPARTMENT OF STATE,
WASHINGTON, 5th April, 1848.

JACOB L. MARTIN, ESQRE.,
&c., &c., &c.

SIR:

Informal intimations had reached the Department from different quarters, that Pope Pius IX. would be pleased to open diplomatic relations with this Government: and the President did not hesitate, upon my suggestion, to recommend to Congress, in his annual message of December last, to provide for the outfit and salary of a Chargé d'Affaires to the Papal States. Hence the origin of your highly honorable and important mission.

There is one consideration which you ought always to keep in view in your intercourse with the Papal authorities. Most if not all the Governments which have Diplomatic Representatives at Rome are connected with the Pope as the head of the Catholic Church. In this respect the Government of the United States occupies an entirely different position. It possesses no power whatever over the question of religion. All denominations of Christians stand on the same footing in this country,—and every man enjoys the inestimable right of worshipping his God according to the dictates of his own conscience. Your efforts, therefore, will be devoted exclusively to the cultivation of the most friendly civil relations with the Papal Government, and to the extension of the commerce between the two countries. You will carefully avoid even the appearance of interfering in

[1] MSS Department of State, Instructions, Papal States, I. 3.

ecclesiastical questions, whether these relate to the United States or any other portion of the world. It might be proper, should you deem it advisable, to make these views known, on some suitable occasion, to the Papal Government; so that there may be no mistake or misunderstanding on this subject.

The President and people of the United States have observed, with great satisfaction, the wise and judicious measures of the Pope to reform ancient abuses in his Government, and promote the welfare of his people. Whilst our established policy renders it impossible that we should interfere with the forms of government or the domestic institutions of other independent States, the American people can never be indifferent to the cause of constitutional freedom and liberal reform in any portion of the world.

We have watched with anxiety the course of Pius IX. in the difficult and dangerous position of a reformer in Italy; and we believe it has thus far been marked with consummate wisdom and prudence. Firm, without rashness,—liberal, without proceeding too rapidly to results which might endanger his final success, we ardently hope that he may be the chosen instrument of Providence to accomplish the political regeneration of his country. The cordial sympathy and the kindest wishes of the President and people of the United States are enlisted in his favor.

In remodelling and liberalising his own Government within his own States, the Pope can give no just cause of offence to any European Power. The Papal States and the other independent sovereignties of Italy have the inherent right to reform their institutions and improve the condition of their people without the interference of any foreign Power. It belongs to them and their people alone to decide what reforms are practicable and are best adapted to secure the liberty, prosperity, and union of Italy. You will take with you to Rome a copy of my despatch to Mr. Rush of the 31st ultimo, in which the views of the President on this subject are more fully developed.

Our direct relations with the Papal States can only be of a commercial character. The spirit of reform which is now abroad in Italy will doubtless lead to the removal or reduction of those ancient restrictions upon trade which are opposed to the genius of the age and the true interests of the people. We have learned already that a more liberal commercial policy begins to pervade Italy. On this subject you are instructed to report to the De-

partment the most full and accurate information which you can obtain. What is the rate of duties imposed in the Papal States on our cotton, rice, tobacco, grain, and other productions? What is the amount of American productions annually consumed in these States? What measures would you suggest to increase the navigation and commerce between the two countries? Have any of the States of Italy united or do they propose to unite in a Commercial League, and what is the character and constitution of such league? Will it have power to conclude commercial Treaties with Foreign nations? In short, we desire all the information you can procure relative to the best mode of increasing our commerce, not only with the Papal, but with the other independent States of Northern Italy. The President desires to conclude commercial Treaties with the Papal States separately, or with the Commercial League of which they may form a part: and only awaits the necessary information to confer upon you full instructions and powers for this purpose.

You will repair to your post and enter upon the duties of your mission with as little delay as may be practicable.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.[1]

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[1] In connection with the foregoing instruction, the following letter to Mr. Buchanan from Mr. Brown, United States consul at Rome, is of interest. The original is among the Buchanan Papers, Historical Society of Pennsylvania.

*Private.*

ROME 1st June 1847.
U. S. CONSULATE.

HON JAMES BUCHANAN

DR. SIR: You may recollect that some time since I informed you that on several occasions persons holding high official stations in the Papal Govt. had expressed to me a desire that diplomatic relations might be established between the U. States & the Papal Govt., on a footing similar to those which exist between the Papal States & countries where the Romish Religion is not the prevalent sect: and amongst these the present Cardinal-Secretary of State Gizzi.

On the occasion of my first presentation to the present Pope several months ago, being alone with the Pontiff, His Holiness took the opportunity to express the same idea

My replies, in every case, were general & cautious; as I conceived it to be no part of my business to say any thing from which the Papal Court might draw the slightest conclusion favourable or unfavourable to their wishes.

## TO MR. LEAL.[1]

Department of State,
Washington, 6th April, 1848.

To Senhor Felippe José Pereira Leal,
&c. &c. &c.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Leal, Chargé d'Affaires of His Majesty the Emperor of Brazil, of the 4th ult., requesting the delivery of Domingo José da Costa Florim, who, after conviction of the crime of embezzlement on the 30th of January, 1846, escaped from the House of Correction at Rio de Janeiro, and, as has been ascertained, is now residing in the City of Baltimore under a feigned name. Mr. Leal's note is accompanied by a copy of a Circular under date the 4th of February, 1847, addressed by the Department of Foreign Affairs of Brazil to the Diplomatic Agents of that Empire

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I received the other day the enclosed letter, which it occurred to me, it might be well enough to send you, as it shews the views of Monsignore Corboli, who is the Acting Secy. of State in case of the sickness or absence of Cardinal Gizzi, and also of Monsignore Zamboni, the writer of the letter, who is a Bishop & holds a situation in the Dept. of Foreign Affairs.

I presume one reason why the Papal Court is desirous to establish Diplomatic relations with our Govt. to be the growing power of the U. States, & the high rank we hold in the scale of Nations; and the increasing interest which Statesmen on the Continent take in the progress of our liberal institutions.

A new Era may literally be said to have commenced here; a desire certainly exists to improve the condition of the people, & a project, I am informed, is on foot & under the consideration of the Govt. here, to establish Evening Schools for the instruction in the simplest Elements of those in the country & in the cities, whose daily avocations allow them no other time for that purpose.

I did not in two letters which I lately took leave to address to you, refer to the subject matter of this letter because it seems to me generally to be most expedient & convenient not to advert in the same letter to subjects which are totally distinct.

I have the honor to be Dr. Sir with the greatest respect & esteem
Your most obt. & very humble Servant
Nicholas Brown
U. S. Consul, Rome.

P. S. I need scarcely add that this letter is to yourself individually: tho' the subject matter and the enclosed letter may be communicated to whomsoever you may think necessary.

[1] MSS. Department of State, Notes to Brazilian Legation, VI. 75.

abroad, stating the views of the Brazilian Government upon the subject of the mutual extradition of fugitives from justice, and the conditions upon which that government will itself make such extradition.

The Undersigned has submitted Mr. Leal's communication to the President, and has received his directions to reply to the same.

Most of the sentiments expressed in the Circular of the Brazilian Foreign Office, above referred to, must meet the approbation of all enlightened Governments. That document is also entirely correct in saying that there is no uniform practice among nations in regard to extradition. This diversity, however, does not spring from any difference of opinion as to the injury which flagrant offences inflict upon society, or as to the necessity of punishing the offenders. In the United States, Congress have never thought proper to pass any law authorizing the President or any other authority to deliver up fugitives from the justice of other countries; and it follows as a necessary consequence that no power exists in our country capable of performing this act, unless by virtue of a Treaty stipulation. Great Britain and France are the only two nations with which we now have Treaties of extradition, and these, as Mr. Leal is aware, are of recent origin and are carefully restricted in their provisions.

In these Treaties, extreme care has been observed in specifying the offences with which the persons demanded have been charged, in excluding those of a political character, and in retaining jurisdiction over the accused party until the moment of his surrender. The Treaty with France alone stipulates for the extradition of persons charged with the embezzlement of public funds.

Under these circumstances, the President, possessing no power over the subject, is constrained respectfully to decline a compliance with the request of the Brazilian Government as communicated by Mr. Leal, for the delivery of the convict, Domingo José da Costa Florim.

The Undersigned avails himself of this occasion to offer to Mr. Leal renewed assurances of his very distinguished consideration.

JAMES BUCHANAN.

## TO MR. RUSH.[1]

No. 14. DEPARTMENT OF STATE,
WASHINGTON, 6th April, 1848.

HONBLE. RICHARD RUSH,

SIR: I seize the last moment before closing the mail for the New York steamer of the 8th to inform you that Joint Resolutions "tendering the congratulations of the American to the French people," upon the success of their late glorious revolution, have passed the Senate this afternoon by an unanimous vote. All previous orders of that body were dispensed with this morning, without a single negative, for the purpose of considering these resolutions, and the result is but an echo of the voice of the American people in favor of the French Republic. The resolutions will be communicated to the House of Representatives to-morrow, where I anticipate for them an enthusiastic reception. I think that by the next steamer I shall transmit you resolutions upon this subject passed by both Houses of Congress and approved by the President of the United States.

I enclose you a few copies of the extra "Union," containing the President's message, your despatch, &c.

Yours very respectfully,

JAMES BUCHANAN.

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## TO THE GOVERNORS OF NEW YORK AND VERMONT.[2]

DEPARTMENT OF STATE,
WASHINGTON, 7th April, 1848.

HIS EXCELLENCY JOHN YOUNG,
Governor of the state of New York, Albany.

HIS EXCELLENCY THE GOVERNOR OF THE STATE OF VERMONT,
Montpelier.

I have the honor herewith to transmit to your Excellency a copy of a note and accompanying memorial, recently received at this Department from the Chargé d'Affaires of Her Britannic Majesty in this city, remonstrating on behalf of certain inhabitants of Canada against the placing of any impediment in a position to interrupt the navigation of the waters connecting

[1] MSS. Department of State, Instructions, France, XV. 69; S. Ex. Doc. 53, 30 Cong. 1 Sess. 16.

[2] MSS. Department of State, 36 Domestic Letters, 405.

Missisquoi Bay with the river Richelieu. Although the Federal Government does not admit the right of the Canadian authorities to interfere in this matter, yet I have deemed it due to our amicable relations with Great Britain to transmit this application to Your Excellency. This has been done under the conviction it will receive that degree of consideration to which it may be justly entitled—proceeding, as it does, from the subjects of a friendly power in a neighboring province.

I have the honor to be, with great respect,

Your Excellency's obedient servant,

JAMES BUCHANAN.

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## TO MR. CARVALLO.[1]

DEPARTMENT OF STATE,

WASHINGTON, 7th April, 1848.

TO SENOR DON MANUEL CARVALLO, &c. &c. &c.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note under date the 28th ult: from Mr. Carvallo, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile, requesting an answer to his memorial in the case of the Macedonian.

In reply, the Undersigned has the honor to acquaint Mr. Carvallo, that the unreasonable delay which has already taken place in furnishing that answer has not been occasioned by any reluctance on the part of the Undersigned to decide the case upon its merits as first presented by the claimant and by the Chilean Government respectively; but by a desire on the part of the former to offer further testimony and a counter statement, to which desire the Undersigned deemed it his duty under the circumstances to yield. He regrets to inform Mr. Carvallo that the counter statement has not yet been received, but as ample time has now been allowed to prepare it, Mr. Carvallo may be assured that a response to his memorial shall not be delayed any longer for that cause, but shall be communicated to him as soon as the Undersigned can examine the testimony now on file in this Department.

The Undersigned avails himself of this occasion to offer to Mr. Carvallo renewed assurances of his very distinguished consideration. JAMES BUCHANAN.

[1] MSS. Department of State, Notes to Chilean Legation, VI. 7.

## TO MR. YOUNG.[1]

DEPARTMENT OF STATE,
WASHINGTON, April 12, 1848.

McCLINTOCK YOUNG, ESQ.,
Acting Secretary of the Treasury.

SIR:

I have received your note of the 11th instant, and have to acquaint you that a copy of your letter of the 26th of January last, to this Department, requesting its intervention with the British legation here to obtain permission for the passage of the iron steamers, the "Dallas" and the "Jefferson," from Lakes Erie and Ontario, by way of the Welland Canal and the river St. Lawrence, to the Atlantic ocean, was transmitted to Mr. Crampton, the Chargé d'Affaires of Her Britannic Majesty on the 27th of the same month; who, under date of the 25th of February, acknowledged the receipt of Mr. Buchanan's communication, and enclosed a transcript of the reply of the Earl of Elgin and Kincardine to the application which Mr. Crampton had made on the subject. His Lordship states that, with the concurrence of the Provincial Executive Council, he had "recommended the application to the favorable consideration of Her Majesty's Government, with whom the final decision rests, and also that the usual canal charges should not in this case be exacted."

I am, &c.,

JAMES BUCHANAN.

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## TO MR. SMITH.[2]

DEPARTMENT OF STATE,
WASHINGTON, 24th April, 1848.

TO THE HON. TRUMAN SMITH,
of the Committee on Foreign Affairs,
House of Representatives.

SIR:

I have the honor to acknowledge the receipt of your letter of the 19th Instant requesting a copy of the letter of appoint-

[1] MSS. Department of State, 36 Domestic Letters, 406.
[2] MSS. Department of State, Report Book, VI. 240.

ment and of the Report of Mr. John Hogan, who was sent to the Island of St. Domingo as an Agent of this Government in 1845, and, also, requesting any other information in the possession of this Department concerning the service performed by him in that capacity. In reply, I have the honor to transmit a copy of his instructions and of the correspondence between him and this Department relative to his accounts. The original of his Report upon the subject of his mission, with the accompanying documents, was some time since communicated to Mr. Mangum of the Committee on Foreign Relations of the Senate, who will no doubt afford you an opportunity to inspect it.

I have the honor to be, &c.

JAMES BUCHANAN.

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## TO MR. APPLETON.[1]

*Personal Instructions.* DEPARTMENT OF STATE,
WASHINGTON, 25th April, 1848.

To JOHN APPLETON, ESQUIRE,

SIR: The President, by and with the advice and consent of the Senate, having appointed you Chargé d'Affaires of the United States to the Republic of Bolivia, you will herewith receive the following documents, which will be useful or necessary in the discharge of the duties of your mission.

1. Your Commission.

2. A letter accrediting you to the Minister for Foreign Affairs of Bolivia.

3. A special passport.

4. A Full Power, authorizing you to conclude a Treaty of Commerce with that Republic.

5. Your General Instructions.

6. Printed personal instructions.

7. A list of the Diplomatic Agents and Consuls of the United States abroad.

8. A Circular relative to the contingent expenses of the Legations of the United States in foreign Countries.

9. A Circular relative to the draughts of Diplomatic Agents.

10. A Circular relative to the salaries of Diplomatic Agents absent from their posts with permission.

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[1] MSS. Department of State, Instructions, Bolivia, I. 1

Your salary as fixed by law will be at the rate of forty-five hundred dollars a year, and you will be entitled to an outfit equal to a year's salary, and to an allowance equal to a quarter's salary towards defraying the expenses of your return to the United States on the conclusion of your mission. Pursuant to a general rule, the salary of a diplomatic agent begins on the day of his departure from his place of residence to proceed on his mission. In your case it will begin this day, when it is understood you are to set out for your home in Maine, for the purpose of making preparations for your departure from the United States.

You will draw on this Department for it, as it may become due, and likewise for the contingent expenses of the Legation, which must not exceed five hundred dollars a year without special authority.

I am, etc.,

JAMES BUCHANAN.

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## TO MR. CARVALLO.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27th April, 1848.

TO SENOR DON MANUEL CARVALLO, &c. &c. &c.

SIR: I have the honor to inform you that the claimants in the case of the Macedonian have at last presented their counter statement and the further proof in its support. Believing that it would be impracticable for me compatibly with my other duties to examine the testimony on both sides as carefully as the importance of the subject demands, the President has directed the papers to be referred to Ransom H. Gillett, Esquire, the Solicitor of the Treasury, for his report. I have no doubt that Mr. Gillett will be happy to show you the counter statement, and to receive from you any explanations which may be necessary to enable him to arrive at a just decision.

I avail myself of this occasion, Sir, to offer to you renewed assurances of my very high consideration.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Chilean Legation, VI. 8.

## TO MR. CAZENOVE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27th April, 1848.

A. C. CAZENOVE, ESQRE.,
Swiss Consul, Alexandria, Va.

SIR: I have the honor to inform you that I have just received the Convention of last May with the Swiss Confederation, which has been approved by the Senate of the United States; and to add that I shall be happy to receive you at the Department of State, on Wednesday next, the 2nd proximo, for the purpose of making an exchange of the ratifications.

I am, Sir, with great consideration,
Your obedient servant,
JAMES BUCHANAN.

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## TO MR. GILLETT.[2]

DEPARTMENT OF STATE,
WASHINGTON, April 27, 1848.

SIR: By the President's direction, I herewith communicate to you a memorial with the accompanying documents from Thomas H. Perkins, of Boston, requesting the interposition of this Government for the purpose of recovering from that of Chile indemnification for the seizure, in the valley of Sitana in Peru, in May, 1821, by an officer acting under the authority of that Government, of a quantity of treasure alleged to have been the property of the said Perkins and other citizens of the United States—a translation of the memorial and the principal papers to which it refers, addressed to this Department by Mr. Carvallo, the Minister from Chile here, in opposition to the claim—and the original rejoinder of the claimants, with the further proof presented in their behalf.

The purpose of this communication is to obtain your opinion on the point as to whether the property in whole or in part did in fact belong to citizens of the United States, and if in part only, how much thereof was theirs and how much the property

[1] MSS. Department of State, Notes to German States, VI 183.

[2] MSS. Department of State, 30 Domestic Letters, 410; S. Ex. Doc. 58, 35 Cong. 1 Sess. 302. As to this case, see Moore's International Arbitrations, II 1455.

of subjects of other Governments, as established by the evidence.

As the Chilean Minister has been promised an early decision of the case, your attention to it as soon as may be convenient is respectfully requested. He has been informed of the reference to you. Similar information has been conveyed to Mr. J. S. Pendleton, who is the representative of the claimants in this city.

I am, &c.,

JAMES BUCHANAN.

RANSOM H. GILLETT, ESQ.,
Solicitor of the Treasury.

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## TO MR. RUSH.[1]

(No. 19.) DEPARTMENT OF STATE,
WASHINGTON, 29th April, 1848.

RICHARD RUSH, ESQRE.,
&c., &c., &c.

SIR: In writing the postscript to my letter No. 12, of the 31st ultimo, in which a suggestion is made that the establishment of a Republican Government in France might "prove favorable to the removal of unwise restrictions in her trade" with the United States, perhaps the article which was most prominently present to my mind at the moment was that of tobacco. The records of the correspondence between this Department and the Legation at Paris will inform you how onerously the French Government monopoly has weighed upon the agriculture of our country engaged in the production of this important article, as well as upon our commerce. The present would seem to be an auspicious moment to remove or modify this monopoly, and to place the trade in tobacco on the same footing with that in other articles. That I am not alone in this opinion, the enclosed copy of a letter addressed to me on the 17th instant, by a number of intelligent merchants of Baltimore, largely interested as receivers and shippers of American leaf tobacco, will fully prove. I commend this paper to your consideration.

I take pleasure in directing your early attention to this subject; and feel assured that your most earnest endeavors will not be spared in urging upon the existing Government, at the proper time, and on the first suitable occasion, of both which

[1] MSS. Department of State, Instructions, France, XV. 72

your official position near it constitutes you the best judge, the removal of unwise and impolitic restrictions upon this trade, and the adoption of a more liberal policy in regard to it than that which has so long existed in France.

I am, Sir, with great respect,

Your obedient servant,

JAMES BUCHANAN.

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## MESSAGE OF PRESIDENT POLK ON YUCATAN.[1]

[April 20, 1848.]

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

I submit for the consideration of Congress several communications received at the Department of State from Mr. *Justo Sierra,* commissioner of Yucatan, and also a communication from the governor of that state, representing the condition of extreme suffering to which their country has been reduced by an insurrection of the Indians within its limits, and asking the aid of the United States.

These communications present a case of human suffering and misery which cannot fail to excite the sympathies of all civilized nations. From these and other sources of information, it appears that the Indians of Yucatan are waging a war of extermination against the white race. In this civil war, they spare neither age nor sex, but put to death, indiscriminately, all who fall within their power. The inhabitants, panic-stricken, and destitute of arms, are flying before their savage pursuers towards the coast, and their expulsion from their country, or their extermination, would seem to be inevitable, unless they can obtain assistance from abroad.

In this condition, they have, through their constituted authorities, implored the aid of this government, to save them from destruction, offering, in case this should be granted, to transfer the "dominion and sovereignty of the peninsula" to the United States. Similar appeals for aid and protection have been made to the Spanish and the English governments.

Whilst it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the "dominion and sovereignty" over Yucatan, yet, according to our established policy, we could not consent to a transfer of this "dominion and sovereignty," either to Spain, Great Britain, or any other European power. In the language of President Monroe, in his message of December, 1823, "we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety." In my annual message of December, 1845, I declared that "near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my predecessors, that 'the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power.' This principle will apply with greatly increased force, should any European power attempt to establish

[1] S. Ex. Doc. 40, 30 Cong. 1 Sess. 1.

any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The re-assertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent."

Our own security requires that the established policy thus announced should guide our conduct, and this applies with great force to the peninsula of Yucatan. It is situate in the Gulf of Mexico, on the North American continent, and, from its vicinity to Cuba, to the capes of Florida, to New Orleans, and, indeed, to our whole southwestern coast, it would be dangerous to our peace and security if it should become a colony of any European nation.

We have now authentic information that, if the aid asked from the United States be not granted, such aid will probably be obtained from some European power which may hereafter assert a claim to "dominion and sovereignty" over Yucatan.

Our existing relations with Yucatan are of a peculiar character, as will be perceived from the note of the Secretary of State to their commissioner, dated on the 24th of December last, a copy of which is herewith transmitted. Yucatan has never declared her independence, and we treated her as a State of the Mexican republic. For this reason we have never officially received her commissioner; but, whilst this is the case, we have, to a considerable extent, recognized her as a neutral in our war with Mexico. Whilst still considering Yucatan as a portion of Mexico, if we had troops to spare for this purpose, I would deem it proper, during the continuance of the war with Mexico, to occupy and hold military possession of her territory, and to defend the white inhabitants against the incursions of the Indians, in the same way that we have employed our troops in other States of the Mexican republic in our possession, in repelling the attacks of savages upon the inhabitants, who have maintained their neutrality in the war. But, unfortunately, we cannot, at the present time, without serious danger, withdraw our forces from other portions of the Mexican territory now in our occupation, and send them to Yucatan. All that can be done, under existing circumstances, is to employ our naval forces in the Gulf, not required at other points, to afford them relief; but it is not to be expected that any adequate protection can thus be afforded, as the operations of such naval forces must, of necessity, be confined to the coast.

I have considered it proper to communicate the information contained in the accompanying correspondence, and I submit to the wisdom of Congress to adopt such measures as, in their judgment, may be expedient, to prevent Yucatan from becoming a colony of any European power, which, in no event, could be permitted by the United States; and, at the same time, to rescue the white race from extermination or expulsion from their country.

JAMES K. POLK.

WASHINGTON, April 29, 1848.

## TO MR. WALKER.[1]

DEPARTMENT OF STATE,
WASHINGTON, 1st May, 1848.

HON. R. J. WALKER,
Secretary of the Treasury.

SIR:

The enclosed copy of a note just received from the Chargé d'Affaires of Her Britannic Majesty at Washington will acquaint you with the favorable result of the application which was made through this Department to the British Government in January last, for the passage of the revenue steamers, the "Dallas" and the "Jefferson," through the Welland canal and the river St. Lawrence to the Atlantic ocean.

I have the honor, &c.,
JAMES BUCHANAN.

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## TO MR. HILLIARD.[2]

DEPARTMENT OF STATE,
WASHINGTON, 3rd May 1848.

HON. HENRY W. HILLIARD,
Chairman (pro. tem.) of the Committee of
Foreign Affairs of the H. R.

SIR:

I had not the honor of receiving your note of the 1st Instant until yesterday evening, otherwise it should have received an earlier answer.

Whilst it would afford me very great pleasure to give you satisfactory answers to your several interrogations in regard to Yucatan, I fear I cannot add very much to the information on this subject contained in the President's Message of the 20th Ultimo and the accompanying correspondence.

You enquire—1. "Is Yucatan to be regarded by our Government as an Independent State?" In answer, I have the honor of stating, that the President never has regarded Yucatan as a State independent of the Mexican Republic, nor has Yucatan ever declared her independence. For this reason neither Mr.

[1] MSS. Department of State, 30 Domestic Letters, 419.
[2] MSS. Department of State, Report Book, VI. 250.

Robira, the former Commissioner from that State, nor Mr. Sierra, the present Commissioner, has been officially received.— In addition to the correspondence communicated with the President's message, I transmit you copies of a note addressed by this Department to the Secretary of the Navy, dated 22d February, 1847; and of the orders issued by the Secretary to Commodore Conner on the 25th February of the same year.

At the commencement of the war with Mexico, Yucatan was treated by this Government as a neutral State. The decree of her extraordinary Congress of the 25th August, 1846, changed this neutrality into open war. In the prosecution of this war, the port of Laguna and the Island of Carmen on which it is situated were, on the 21st of December, 1846, captured by our Naval Forces, and have ever since been held by the United States. For the reasons which prevented the President from restoring this port and Island to Yucatan when she re-assumed her neutral position, I refer you respectfully to my note to Mr. Sierra of the 24th December last. Our continued possession of these places has proved highly advantageous to the people of Yucatan; because it has afforded them a place of refuge from the fury of the Indians.

2. You ask: "How will our relations with Yucatan be affected by the ratification of the Treaty of peace between the United States and Mexico which it is understood is awaiting the action of the Mexican Government?"

Yucatan, being regarded by the President as a Mexican State, tho' now neutral in the existing war, is embraced in the Treaty of Peace with the other Mexican States. If peace were concluded, however, Mexico would not be able to afford the white inhabitants of Yucatan the prompt and efficient aid necessary to save them from destruction. Indeed, the neutral position which Yucatan has maintained during the greater part of the existing war might indispose Mexico to go to her relief with the necessary promptitude; but yet it is not apprehended that the aid which we may afford to the white race of that unfortunate country would disturb our peaceful relations with the Mexican Republic, or even be the subject of complaint on the part of the Mexican Government. On the contrary, this could not be viewed by them in any other light than as a voluntary sacrifice made by the United States in the cause of their brethren of Spanish origin.

3. "To what extent has the internal war in Yucatan been carried?"

In addition to the information upon this subject contained in the notes of Mr. Sierra to the Department which accompanied the President's message, I have the honor now to communicate to you copies of the despatches from Commodore Perry and other Naval Officers to the Navy Department. You will perceive that these despatches fully confirm the statements of Mr. Sierra and exhibit the wretched and helpless condition to which the white inhabitants are reduced. There is no further information on this subject of which I am aware in possession of any of the Executive Departments of this Government.

4th. "What gave rise to it (the war)?"

This is a question to which the Department cannot furnish a satisfactory answer. It is presumed that the primary cause of the war will be found in the inveterate hostility of the Indians against the Spanish race. Its avowed object is the extermination or expulsion of this race and the re-acquisition of Indian Sovereignty over Yucatan. The Indians must have known that the Government of Mexico neither could nor would afford assistance to the Spanish race in Yucatan during the continuance of our war with that Republic; and this doubtless had its influence in causing them to seize an opportunity so favorable for the accomplishment of their designs.

5. "What are the numbers of whites? And what of the Indians?"

It is impossible to ascertain either the aggregate population of Yucatan or the relative numbers of these two castes. Mr. McCulloch, in his Universal Gazetteer, a work of considerable character, does not pretend to state with accuracy the entire population of Yucatan. Adopting the conjectural estimate of others, he states, under the head of "Mexico," the population to be 570,000, and considers this to be "probably as near an approximation to the truth as can, at present, be arrived at," whilst under the head of "Yucatan" he says that "the population has been estimated at about 500,000." In the inaccurate and unsatisfactory Mexican statistics which have been published, any designation of the relative numbers of the white and Indian races has been carefully avoided; tho' it is well known that the latter greatly preponderates in Yucatan.

After the receipt of your note, I sent for Mr. Sierra, who

informs me that an imperfect census was taken of the population of Yucatan in 1844, and that the whole number of its inhabitants was 700,000. Of these from 400 to 450,000 were of pure Indian blood, about 80,000 of the mixed race between the white and the Indian (Mestizoes), and the remainder were of the white race. Mr. Sierra speaks from memory and is not in possession of any documents relating to this Census. Since the commencement of the war a great number of the whites have been killed by the Indians; and according to Mr. Sierra's estimate, more than fifty thousand of them have been compelled to emigrate to neighboring countries.

Yours very respectfully,

JAMES BUCHANAN.

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## TO THE PRESIDENT.[1]

[May 5, 1848.]

The Secretary of State, to whom was referred the resolution of the Senate of the 4th instant, requesting the President to communicate to the Senate all the correspondence between the Secretary of State and Don Justo Sierra, the representative of the government of Yucatan, if not incompatible with the public interest, has the honor to lay before the President the papers mentioned in the subjoined list, which are translations of all notes from Mr. Sierra or his government to this department, and a copy of all notes from the department to him, (excepting those inviting him to personal interviews,) not communicated with the President's message to Congress of the 29th ultimo.

The Secretary of State would respectfully observe that portions of Mr. Sierra's note of the 15th February, 1848, and the whole of his note of the 24th February, 1848, are of such a character that it was considered doubtful whether, at this time, they ought to be published. Copies of them, although prepared, were not transmitted to Congress with your message of the 29th ultimo, upon the request of Mr. Sierra himself, after consultation with that gentleman.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

[1] S. Ex. Doc. 42, 30 Cong. 1 Sess. 1. This document contains the President's message transmitting the report to the Senate, on the same day.

## TO MR. EVERETT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 6th May, 1848.

HON. EDWARD EVERETT,
Cambridge, Mass.

DEAR SIR:

I have just received your letter of the 3d inst., relative to the erection of a monument over the spot where the remains of your late brother are interred. The enclosed copies of a letter addressed to me by Dr. Parker, and of my reply, will fully acquaint you with the measures adopted by the Department on the subject. It is to be apprehended, from the lapse of time since the latter communication was despatched, that it is now too late to effect your wish regarding the proposed inscription for the monument. Had the application reached me at an earlier date, I would most cheerfully have complied with your request. The whole is however now in the hands of Dr. Parker, on whose favorable dispositions, should you think it expedient to address him on the subject, you may implicitly rely.

I am, &c.,

JAMES BUCHANAN.

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## TO MR. TOD.[2]

No. 10. DEPARTMENT OF STATE,
WASHINGTON, 8th May, 1848.

TO DAVID TOD, ESQUIRE,
etc., etc., etc.,

SIR:—

Your despatches to No. 19, inclusive, have been received. In your No. 10 of the 30th December, last, you say that the Minister for Foreign Affairs asks for further delay upon the subject of the claims of citizens of the United States against the Brazilian Government, until he shall have heard of the result of new instructions which had been given to Mr. Leal in regard to the case of Lieutenant Davis and the seamen of the Saratoga. You add that you were not advised as to the character of these

[1] MSS. Department of State, 30 Domestic Letters, 423.
[2] MSS. Department of State, Instructions, Brazil, XV 164.

new instructions. The Department is equally uninformed. No communication upon the subject has been received from Mr. Leal, and he says that no fresh instructions in regard to it have reached him. Under these circumstances, that government cannot, it is conceived, with propriety allege a similar excuse for delay in answer to another application for redress, which you will prefer at the earliest suitable opportunity after you shall have received this instruction.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## MESSAGE OF PRESIDENT POLK

### ON A TREATY WITH AUSTRIA.[1]

[May 9, 1848.]

TO THE SENATE OF THE UNITED STATES:

I herewith communicate to the Senate, for their consideration, with a view to its ratification, a convention for the extension of certain stipulations,[2] contained in the treaty of commerce and navigation of August 27, 1829, between the United States and Austria, concluded and signed in this city on the 8th instant by the respective plenipotentiaries.

JAMES K. POLK.

WASHINGTON, May 9th, 1848.

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## TO MR. CAMPBELL.[3]

DEPT. OF STATE,

11 May, 1848.

R. B. CAMPBELL Esq.

U. S. Consul, Havana.

SIR,

I transmit herewith a copy of a letter addressed to this Dept. by John O'Sullivan, Esqr., wherein it is stated that "a man claiming to be a free born American is now, or was recently, held as a slave in the Island of Cuba." Should there be a just foundation for this statement, the facts alleged in the communication of Mr. O'S., and the name of the person said to be held in slavery, therein furnished, will, it is presumed, enable you to

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[1] Senate Executive Journal, VII. 411.

[2] Relating to disposal of property, etc.

[3] MSS Department of State, Despatches to Consuls, X. 466.

identify the individual, without difficulty. In such event, I have to request your prompt & earnest investigation of the matter, involving so gross a violation of law & humanity, & appealing so forcibly to this Government for its immediate interposition. I entertain not a doubt that the Authorities of the Island will send you every aid & support which honor & good faith so imperiously demand at their hands. What measure of satisfaction for the grievous wrongs of so many years (should they be established) ought to accompany the liberation of the individual, is referred to your judgment after you shall have obtained a knowledge of all the circumstances. Should this become necessary, you will promote the institution of such legal proceedings as may be best calculated to do justice to the unfortunate individual who has been held so long in bondage. I have to request that you will consider the name of Mr. O'Sullivan communicated strictly in confidence, and that you will report to the Department on this matter as early as practicable.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO THE PRESIDENT OF THE SENATE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 11th May, 1848.

TO THE PRESIDENT OF THE SENATE:

The Secretary of State, in answer to a resolution of the Senate of the 2d of February last, referring to him "the memorial of A. A. Frazier, for himself and Alvin Baker, owners of the Brig Douglass, praying indemnity for losses caused by the alleged wrongful seizure" of that vessel "by a British Cruiser," and directing him "to communicate to the Senate the originals or copies of all depositions and other documents and papers in his Department relating to said case. And likewise such correspondence as may have been had with the British Government, or its officers, and our own, in relation thereto, which in his opinion may be made public consistently with the public interests," &c., respectfully reports: That he has caused a careful examination to be made of the files of this Department, from

[1] MSS. Department of State, Report Book, VI. 253; S. Ex. Doc. 44, 30 Cong. 1 Sess. 1.

which it appears that all documents, papers, and correspondence in its possession, relating to the case of the Douglass, have already been published in two Executive documents: the first document, No. 115, communicated to the House of Representatives on the 3rd of March, 1841, and the second, Senate Document No. 377, of June 6th, 1846.

The Secretary of State has the honor of transmitting to the Senate, for their convenience, a memorandum containing particular references to the pages of the printed documents in which the papers relating to the Douglass will be found. He would transmit the original papers, as this seems to have been contemplated by the Senate; but many of them are contained in bound volumes, which renders this almost impracticable.

The Secretary of State is, also, instructed to "make a report on said case as presented to his Department." On this branch of the Resolution he would respectfully observe, that before he came into the Department, the claim which had been urged by this Government in behalf of Messrs. Frazier and Baker against the Government of Great Britain for indemnity on account of the capture and detention of the Brig "Douglass," in October, 1839, had been abandoned; and it has been impossible for him, consistently with the performance of other duties, to give the subject such a thorough examination as he could have desired. He is very clearly of opinion, however, that the "Douglass" was captured and detained in violation of the law of Nations and the rights of the American Flag; and it was therefore the duty of this Government to hold that of Great Britain responsible. Indeed the illegality of this capture and detention has been admitted by the British Government. Whether the Government of the United States, by abandoning the claim for indemnity against the British Government, has under all the circumstances rendered itself responsible to the claimants, and, if so, what ought to be the amount of this indemnity, are questions on which, under his construction of the Resolution, he is not required to express an opinion. Indeed these questions would seem more appropriately to belong to the Legislative than to the Executive Branch of the Government. Respectfully submitted,

JAMES BUCHANAN.

P. S.—The memorial is herewith returned.

## TO MR. SULLIVAN ET AL.[1]

DEPARTMENT OF STATE,
WASHINGTON, 11th May, 1848.

JOSEPH SULLIVAN & SONS,
C. R. HARDESTY, &c., &c.
Baltimore, Md.

GENTLEMEN:

Your recent letter, requesting such notice on the part of this Department as will lead to the adoption and establishment by the different Governments of Europe, and especially that of France, of a more liberal policy in regard to American tobacco, has been duly received. The subject is one which had already claimed my notice; yet in accordance with your wishes the attention of our Minister at Paris has been particularly invited to it, and he has at the same time been furnished with proper instructions and a copy of your letter to me of the 17th ultimo.

I am, Gentlemen, &c.,

JAMES BUCHANAN.

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## TO MR. LIVINGSTON.[2]

DEPARTMENT OF STATE,
WASHINGTON, 13th May, 1848.

To VANBRUGH LIVINGSTON, &c. &c. &c.

SIR: You are the first Diplomatic agent which this government has appointed to reside at the Capital of Ecuador. The importance of your mission is enhanced by this circumstance. The impression which your personal conduct and character may make upon the authorities of that government will have great influence, not only upon the result of your official proceedings, but upon the reputation of your country. You will omit no proper opportunity to declare that our delay in establishing a regular mission at Quito ought not to be imputed to any want of interest in the welfare of Ecuador as an independent American Republic. On the contrary, we have always felt the liveliest sympathy with her fortunes as well as with those of our other Sister Republics of this hemisphere, and have expressed this sentiment, and acted in accordance with it, upon every suitable occasion.

[1] MSS. Department of State, 30 Domestic Letters, 424.
[2] MSS. Department of State, Instructions, Ecuador, I, 3.

The military and naval expedition which General Flores, formerly President of Ecuador, organised a year or two since in Europe for the supposed purpose of recovering his authority, connived at as it was believed to have been by some of the monarchical governments of that quarter, created great alarm, not only in Ecuador itself but in the neighboring Republics, from the apprehension that its ulterior were more extensive and important than its ostensible designs. It was fortunately arrested, however, before its departure. Señor Don Manuel Bustamente, the Minister for Foreign Affairs of Ecuador, addressed to this Department an interesting communication upon the subject under date the 26th November, 1846, which was received about the same time that intelligence of the failure of the expedition reached this City. Owing to this circumstance, the note was not formally answered, as any proceedings of this government with reference to the expedition were rendered unnecessary. General Castilla, the President of Peru, also made an informal application in regard to it to Mr. Prevost, the Consul of the United States at Lima. The accompanying extract from a letter of this Department to Mr. Prevost embodies the views of the President relative to the expedition, and you may at a proper time communicate the same to the Ecuadorian Minister for Foreign Affairs.

You will also assure him that the intervention or dictation, direct or indirect, of European governments in the affairs of the Independent States of the American Hemisphere will never be viewed with indifference by the government of the United States. On the contrary, all the moral means, at least, within their power, shall upon every occasion be employed to discourage and arrest such interference.

The commercial relations between the United States and Ecuador are regulated by the Treaty signed at Quito on the 13th of June, 1839. The operation of this Treaty is believed to have been mutually advantageous. It is certain that this Department is not aware of any thing to the contrary. A part of your duty will be to watch over its execution by the government of Ecuador. Before, however, you make any applications to that Government on behalf of our citizens who may suppose themselves to have been aggrieved by infractions of its provisions, you will be satisfied that they have reasonable cause for complaint and that they have ineffectually endeavored to obtain redress by means of the appropriate judicial tribunals.

When the Republic of Columbia[1] was dismembered, at the close of the year 1829, citizens of the United States held unsatisfied claims against its government to a considerable amount. You will herewith receive a list of such of these claims as are known to the Department. There are others, in some of which the interposition of this government has not been asked, but where the parties themselves or their agents have applied directly to our diplomatic representatives in those countries. The claims in the cases of the brig Josephine and schooner Ranger were adjusted by a Convention between Mr. Moore, our Minister at Bogotá, and Mr. Vergara, the Minister for Foreign Affairs of Columbia, dated 25th November, 1829. Of this Convention you will herewith receive an authenticated copy. You will see that its validity was to depend upon the approbation of President Bolivar, who at the time of its conclusion was absent from Bogotá. That approbation was expressed in the note of Mr. Cayecdo to Mr. Moore, of the 5th February, 1830, of which a copy is likewise herewith furnished. The Convention stipulated for the payment of the indemnities within six months from its date. In consequence, however, of the dissolution of the government of Columbia and of other causes, the payments were not made as promised. Although this government has always maintained that the three States of which the Republic of Columbia was composed are jointly and severally liable for the claims of our citizens against that Republic, yet, from consideration for the condition of those States, it was deemed advisable to reserve the application of this principle and to await the result of such arrangements as they might make among themselves for the adjustment of these claims. This was effected by the Treaty between New Granada and Venezuela of the 23d December, 1834, which was subsequently acceded to by Ecuador. Pursuant to that Treaty, New Granada became responsible for fifty, Venezuela for twenty-eight and a half, and Ecuador for twenty-one and a half per cent. of the debts of the Republic of Columbia. Upon this basis New Granada and Venezuela have both paid their proportion of the claims in the cases of the Josephine and Ranger. From the terms of the Convention between Mr. Moore and Mr.

[1] This word is usually spelled "Columbia" in this instruction, a circumstance no doubt due to the mistake or ignorance of the copyist. It is to be remembered that the records of instructions in the Department of State are not original records, but merely copies, in which copyists' errors are often manifest

Vergara, in connexion with those of the Treaty for the partition of the debts of Columbia, you will have no difficulty in computing the amount due by Ecuador in these two cases. The accompanying copy of a letter to this Department under date the 4th inst., from Mr. Toby, the President of the Insurance Company of the State of Pennsylvania, the party interested in the first mentioned claim, contains a further, and, it is not doubted, a correct statement of the amount due by Ecuador in that case. From the facts which have been mentioned in regard to these two claims, they may be said to rest upon peculiar grounds. They were presented to the government of Ecuador by Mr. Pickett, in 1839, after the signature of our Treaty with that Republic, but as his ultimate destination was to Lima as Chargé d'Affaires of the United States to Peru, he probably did not deem himself warranted in tarrying at Quito long enough to settle them. It will consequently be your duty, as soon as may be convenient after you shall have been received by that government, again to invite its attention to them and to request that prompt provision may be made for the payment of the amount due. The sum due by Venezuela in the case of the brig Morris was settled by Mr. Allen A. Hall, when Chargé d'Affaires of the United States at Caracas. The particulars of the adjustment are contained in his despatch No. 31, to this Department, of the 2nd March, 1843, a copy of which you will receive herewith. The amount due by New Granada in this case was determined by the Convention between Mr. Blackford, when Chargé d'Affaires of the United States at Bogotá, and the Minister for foreign affairs of that Republic, a copy of which is also herewith communicated to you. Venezuela has already paid her proportion in the case of the Morris, and New Granada has paid hers in part. A transcript of the Convention between Mr. Shields, the Chargé d'Affaires of the United States at Caracas, and Mr. Manrique, the Minister for Foreign Affairs of Venezuela, for the adjustment of the claim in the case of the brig Native, is likewise one of the accompanying papers. No information has been received of the acknowledgment of this claim by the Government of New Granada.

In a despatch to the Department of the 3d of last month, Mr. Shields states that he was in the act of concluding a Convention for the adjustment of the claim in the case of the Sarah Wilson. A copy of this Convention shall be forwarded to you as soon as it is received from Mr. Shields. That gentleman and also Mr. Bidlack, the Chargé d'Affaires of the United States at

Bogota, will be instructed to transmit to you attested copies of such documentary proof as you may require and their respective Legations may contain. These claims are of ancient date, and it has become necessary that they should now be adjusted. The Government of the United States, actuated by the most friendly feelings towards Ecuador, have waited long and patiently for their liquidation; but the time has now arrived when we must insist upon prompt action. Whilst this ought to be done in a kind spirit, it is due to our injured citizens that you should urge their rights with firmness and decision. It is presumed that in the cases of the Josephine and Ranger there can be no pretext for further delay. The other two Republics which constituted parts of Colombia have already paid their proportions of these claims; and it remains for Ecuador but to follow their example. Nor can there be any reason for delay in the case of the Morris. That claim has been adjusted by New Granada and Venezuela; and a part of the proportion of the former and the whole of that of the latter have already been paid.

No doubt is entertained of the justice of the claims in the cases of the Native and the Sarah Wilson.

One of the main purposes for which your mission was established was to procure a final settlement and payment of these and other claims against the Government of Ecuador, and the President confidently expects that you will devote your best efforts to accomplish the object.

Each of the claims against the Government of New Granada and Venezuela has been adjusted singly by our Chargé d'Affaires at Bogotá and Caracas; & it is presumed that you had better pursue a similar course in regard to the corresponding claims against Ecuador. If, however, that Government should prefer to conclude a formal convention for the payment of all the just claims of American Citizens, I can perceive no objection to this course. In such event, you will take care that this shall specify individually the cases embraced by it as well as the amount allowed in each; so that other claims which may not have been presented shall be saved.

Although this Government would be justified in demanding a prompt payment of the whole amount of these claims, yet you are authorised to agree, should this become necessary, that they, or either of them, may be paid in not more than five annual instalments, with six per cent. interest. You will thus perceive that we are still willing to grant to our sister Republic every in-

dulgence not inconsistent with the duty we owe to the American claimants. I am, sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO MR. WELLS.[1]

(*Circular.*) DEPARTMENT OF STATE.
WASHINGTON, 16th May, 1848.

LEMUEL WELLS, ESQRE.,
U. S. C. St. Catherine's Island.

SIR: Samuel F. Tracy, of New York, the owner of the Brig "Caroline," Edwin Bartlett, of the same City, a Shipper of a part of her Cargo, and several Insurance Companies, have addressed a communication to the Department stating that that Vessel was, without authority or necessity, taken into St. Catherine's in Brazil in June, 1847, where her Master, E. M. Jefferson, caused her to be condemned as unseaworthy. That she was consequently sold, and a large part of her Cargo, also; that not having received any of the proceeds, they have appointed Mr. James Birckhead of Rio de Janeiro to assist them in recovering them, and they request that you may be directed to extend to him your friendly coöperation towards accomplishing this object. Although it is not doubted that you would cheerfully do this without any special instruction from this Department, yet the application comes from parties of such respectability, and relates to what seems to have been an act of such flagrant barratry, that I cannot hesitate to accede to it.

You will accordingly aid Mr. Birckhead in any way you can, which, in your opinion, may tend to secure the object in view and promote the ends of justice.

I am, Sir, &c.,

JAMES BUCHANAN.

Same circular as the preceding sent to Robert M. Hamilton, Esqre., U. S. Consul, Montevideo.

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[1] MSS. Department of State, Despatches to Consuls, XIII. 73; S. Ex. Doc. 52, 43 Cong. 1 Sess. 5. A claim in this case was afterwards presented to the Brazilian Government, which paid it in 1867; but the money was refunded by the United States, on the strength of an opinion of the Attorney General of the United States that Brazil was not internationally liable for the misconduct of the judge who condemned the vessel. See Moore's International Arbitrations, II 1342. No diplomatic claim was made in the time of Mr. Buchanan as Secretary of State.

## TO M. BOURBOULON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 18th May, 1848.

MR. A. BOURBOULON,
&c., &c., &c.

SIR:

Under date of the 14th February last, Mr. Pageot communicated to this Department a copy of Captain Buisson's account of the seizure and detention of his vessel, the "Sultan," before Vera Cruz, by the American Squadron, and recommended the case to the justice and equity of this Government. I accordingly lost no time in submitting the matter to the Secretary of the Navy, who caused an enquiry to be instituted into the facts of the case, which has resulted in a report from Commodore Perry on the subject, of which report I have the honor, herewith, to enclose you a copy. From this, it will be seen that the circumstances of the case have been incorrectly stated by Captain Buisson, and that the conduct of the American Naval Officers concerned in the seizure of the "Sultan," so far from furnishing good ground of complaint, is characterized by great forbearance and liberality.

I avail myself of the occasion to offer you the assurance of my high consideration.

JAMES BUCHANAN.

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## TO MR. MANN.[2]

DEPARTMENT OF STATE,
WASHINGTON, 20th May, 1848.

A. DUDLEY MANN, ESQRE.,
&c., &c., &c.

SIR:

Your despatches to No. 20, inclusive, have been duly received and submitted to the President. The judicious, able, and satisfactory manner in which you have discharged all the duties confided to you, and the successful results which have attended your efforts to promote the interests of commerce and navigation between the United States and Germany, have received his un-

[1] MSS. Department of State, Notes to French Legation, VI 118.
[2] MSS. Department of State, Instructions to Diplomatic Agents, &c., 13.

qualified approbation. It gratifies me to add, that I have found your communications replete with information—historical, political, statistical, commercial, and agricultural—of a highly important character. I have, also, to thank you for the remarks, with which your despatches are interspersed, relative to the progress of events and the advance of liberal principles in Europe, and especially in Germany, since the late French Revolution has given a new impulse to the efforts of the people of so many of the Continental Sovereignties in asserting their rights and reforming their governments.

With reference to my letter of the 4th ultimo, it is proper to state, that as the omission of the Senate to pass upon the Mecklenburg-Schwerin Declaration of Accession has rendered it impracticable to close your mission on the 1st of May, the period therein designated is hereby extended until the 20th of July next (a sufficient time, it is presumed, to effect that object); and, in the settlement of your accounts at the Treasury, compensation will accordingly be allowed you up to the latter date.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. MANN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 29th May, 1848.

A. DUDLEY MANN, ESQRE.,
&c., &c., &c.

SIR:

The Declaration of Accession of the Grand Duchy of Mecklenburg-Schwerin to the Hanoverian Treaty was not ratified by the Senate until the 18th instant. This delay was occasioned, on the part of that Body, not by any want of a due sense of the importance of the measure, but by the pressure of other important subjects of a more exciting character, and of more immediate urgency. The President is deeply anxious to cultivate the most friendly relations with the German States. He is convinced that the extension of our commerce with Germany could not fail to strengthen these relations, whilst it would be productive of great and substantial benefits to both countries. He regrets ex-

[1] MSS. Department of State, Instructions to Diplomatic Agents, &c., 14.

ceedingly, therefore, that the action of the Senate upon the Declaration of Mecklenburg-Schwerin was so long delayed as to render it quite impossible that his ratification of it should be made known to that Government within the stipulated period of six months from the 9th December, 1847, the date of the exchange of the Declarations between yourself and the Baron de Lutzon. In our anxiety, however, to give effect to the Declaration, the Department has appointed Dennis Corcoran, Esquire, of New Orleans, a Special Messenger, to bear the ratification of the President to you at Frankfort, with the least possible delay; and it is hoped that the few days which must elapse, after the 9th June, before you can deliver it to the Minister of Foreign Affairs at Schwerin, will not interpose any obstacle to its acceptance by that Government.

Upon your arrival at Schwerin, I would suggest that you might address a note to the Minister for Foreign Affairs, requesting that the Government of Meckienburg-Schwerin would agree to accept the President's ratification of the Declaration, with the same effect to all intents and purposes as though it had been officially communicated to that Government before the 9th day of June, 1848. This note would, of course, explain the reasons for the delay. Should any other mode of attaining the end be deemed more expedient, in your judgment, than that suggested, you will adopt it. It is indispensable, however, that the Government of Mecklenburg, by an official Declaration, in some form or other, should agree to receive the President's ratification, with the same effect as though it had been delivered before the 9th June; otherwise it would "be rendered null and void to all intents and purposes." Until the Department shall receive official information that this has been done, the President cannot, of course, proclaim as law the Declaration of Accession; but no time shall be lost in issuing this Proclamation whenever such information shall be received.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO MR. INGERSOLL.[1]

Department of State,
Washington, 31st May, 1848.

Dear Sir:

A case has recently occurred which proves the necessity of legislation on the part of Congress for the purpose of executing the 10th Article of the Treaty of Washington of the 9th August, 1842, between the United States and Great Britain.

One Burr Seely made his escape from Montreal into St. Lawrence County, New York, in February last, charged with the crime of Forgery. He was pursued by the Canadian authorities; but the State Magistrates, although the proof of his guilt was clear, refused to grant a warrant for his apprehension under the Treaty. This refusal was based upon two grounds. 1. They had no jurisdiction. 2. That if they had, they were not obliged to act.

I presume it is well settled that State Magistrates have authority, tho' they could not be compelled to act in such cases.

Throughout the whole Northern District of New York there is but one Judicial Officer, the Judge of the District, who would be bound to execute the Treaty. His remote residence from the frontier, as well as his frequent absence from home in the discharge of his official duties, renders it impossible that he can give full effect to the 10th Article of the Treaty. Fugitives in almost every instance would make their escape before the Canadian authorities could reach him and obtain warrant of arrest.

Hitherto the State Magistrates have always received the necessary proof and issued warrants without difficulty; but it is now apprehended they will not do so hereafter. Under these circumstances, Her Britannic Majesty's Chargé d'Affaires has appealed to this Department, and asked the Government of the United States to provide additional means to secure the faithful execution of the 10th Article of the Treaty of Washington.

For these reasons, I have the honor of submitting to you as Chairman of the Committee of the Judiciary of the House of Representatives all the correspondence and documents upon the subject, in the expectation that such legislation may be provided as will hereafter secure the faithful execution of the Treaty.

Yours very respectfully,

James Buchanan.

Hon. Joseph R. Ingersoll, Chairman of the Committee on the Judiciary of the Ho. of Reps.

[1] MSS. Department of State, Report Book, VI 254.

## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 31st May, 1848.

The Secretary of State, to whom was referred the Resolution of the Senate of the 30th Instant, requesting the President "to send to the Senate, if in his judgment not inconsistent with the public interest, a copy of any communication from Commodore Perry or from any other authentic source, containing additional information connected with the existing condition of affairs in Yucatan," has the honor to lay before the President a translation of a note under date the 23rd Instant, addressed to this Department by Mr. Sierra, the Commissioner of Yucatan. This note contains all the information in the possession of this Department relative to the condition of affairs in that State which has not already been communicated to the Senate.

Respectfully submitted,

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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## TO MR. APPLETON.[2]

No. 2. DEPARTMENT OF STATE,
WASHINGTON, 1 June, 1848.

JOHN APPLETON, ESQUIRE, &c.

SIR: The Republic of Bolivia, to which you are accredited as Chargé d'Affaires, is the only one of the independent States of the American Continent which has never been visited either by a diplomatic or consular agent of the United States. The important duty is, therefore, confided to you of opening diplomatic relations with that Republic.

You may assure the Bolivian Government that this delay (in accrediting a minister to them) has not been occasioned by any want of the most friendly feelings on our part.

The early and decided stand which the people of the United States and their government took in recognizing the independence of the Spanish American Republics is known to the world. Ever

[1] MSS. Department of State, Report Book, VI. 254; S. Ex. Doc. 49, 30 Cong. 1 Sess. 1. This report was transmitted by President Polk to the Senate on the same day.

[2] MSS. Department of State, Instructions, Bolivia, I. 2.

since that period, we have felt the most lively interest in their prosperity and the strongest desire to see them elevated, under free, stable, and Republican Governments, to a high rank among the nations of the earth. We entertain a cordial sympathy for all the Republics on this continent, and desire nothing more than that their course should be prosperous and onward, securing the blessings of liberty and order to their people. This delay has, on the contrary, arisen solely from the fact that the territories of the Bolivian Republic lie chiefly in the interior of South America, and that for want of good ports on the Pacific our commercial intercourse with them has been of a very limited character. It is believed that Cobeja is the only Bolivian port, and this is but little frequented. It is understood that the Governments of Peru and Bolivia have been in Treaty for the cession of the Port of Arica from the former to the latter; and whilst this could not materially injure Peru, it would be of essential advantage to Bolivia, as well as to the commerce of our country. Without attempting to interfere with the domestic concerns of either of these Republics, you might, should an opportunity offer, by your counsel and advice promote this cession. Arica would seem naturally to belong to Bolivia; and of this that Republic cannot fail to be rendered more deeply sensible by the onerous transit duties which are now levied at Arica upon merchandise destined for consumption in Bolivia. The truth is, that so long as Arica shall continue to be a Peruvian port, it will be a perpetual cause of irritation between these Republics and will always endanger their friendly relations with each other.

The principal object of your mission is to cultivate the most friendly relations with Bolivia. The enemies of free Government throughout the world point with satisfaction to the perpetual revolutions and changes in the Spanish American Republics. They hence argue that man is not fit for self Government; and it is greatly to be deplored that the instability of these Republics and in many instances their disregard for private rights have afforded a pretext for such an unfounded assumption. Liberty cannot be preserved without order; and this can only spring from a sacred observance of law. So long as it shall be in the power of successive military Chieftains to subvert the Governments of these Republics by the sword, their people cannot expect to enjoy the blessings of liberty. Anarchy, confusion, and civil war must be the result. In your intercourse with the Bolivian authorities you will omit no opportunity of pressing these truths upon them,

and of presenting to them the example of our own country, where all controversies are decided at the ballot box. These truths you will endeavor to impress upon those whom you may meet in society, and you will avail yourself of all suitable opportunities to strengthen, in a becoming manner, the opinions which must already exist in Bolivia in favor of republican institutions.

You will bear in mind, also, the desire of your government for the mutual friendship and harmony of the South American Republics, and will always encourage, when you can properly do so, every measure which may be fairly expected to tend towards such a result.

Instead of weakening themselves by domestic dissensions, the Spanish race in these Republics have every motive for union and harmony. They nearly all have an enemy within their own bosoms burning for vengeance on account of the supposed wrongs of centuries, and ever ready, when a favorable opportunity may offer, to expel or exterminate the descendants of their conquerors. Already a war of races has arisen between the Indians and the Spanish in Guatemala and Yucatan, and the civil war now raging in Venezuela partakes largely of this character. In Bolivia it is understood that three-fourths of the inhabitants belong to the Indian race. How unfortunate it is that, under these circumstances, the Spanish race there should be weakening themselves by warring with each other.

The nations on this Continent are placed in a peculiar position. Their interests and independence require that they should establish and maintain an American system of policy for their protection and security, entirely distinct from that which has so long prevailed in Europe. To tolerate any interference on the part of European Governments with controversies in America, and to suffer them to establish new colonies of their own intermingled with our free Republics, would be to make, to the same extent, a voluntary sacrifice of our independence. These truths ought everywhere throughout the continent of America to be impressed on the public mind.

The direct trade between the United States and Bolivia is believed to be insignificant, but the inhabitants of that Republic are known to consume products of the United States to a considerable amount which they receive indirectly. These they would probably use more largely if they were not circuitously conveyed, and if the mutual wants of the two countries shall be better understood. One of the purposes of your mission will be to

accomplish these results. On the 30th November, 1836, during the brief existence of the Government called the "Peru-Bolivian Confederation," a Treaty between that Government and the United States was concluded. That Confederacy, as you are aware, was composed of the States of North and South Peru and of the Republic of Bolivia, and General Santa Cruz of that Republic was its Executive Chief. Since its dissolution and the choice of General Castilla as President of Peru, the Peruvian Government has expressed doubts as to the obligations of Peru under the Treaty. You will herewith receive a copy of the correspondence on this subject between this Department and Mr. Osma, the late Minister from Peru at Washington. This correspondence was followed by an authority to him from his Government to conclude a new and separate Treaty with Peru. The President having empowered me for the same purpose, the Treaty was signed on the ninth of February last, and is now before the Senate. You will herewith receive a printed copy of it. You will, also, have with you a copy of the Treaty which was concluded between the United States and the Republic of Ecuador on the 13th of June, 1839. Both these treaties contain important provisions which are not embraced in the Convention between this government and the Peru-Bolivian Confederation of November, 1836, but which it would be desirable to embody in a new treaty with the Republic of Bolivia. You will take an early occasion, therefore, to ascertain the views of the Bolivian Government on this subject, and if you find them favorable, you may propose a new treaty on the general basis of the treaty with Ecuador of 1839. If objections should be made to any of the stipulations of this treaty, which are not of material importance, you will be at liberty to modify them, so as to meet the wishes of the Bolivian Government, in any way which in your judgment will be satisfactory to your own government.

Numerous individuals and some associations have applied to this Department for instructions to our diplomatic agent and Consuls in Peru to assist them in importing Alpaca sheep into the United States. Unofficial instructions to that effect have accordingly been given. The object may be said to be of material importance, and its accomplishment by proper means will reflect credit upon any person who may contribute to that result. It is understood that the Government of Peru allows those animals to be exported reluctantly, if at all, and, indeed, has interposed legal or other impediments thereto. If, as is presumed

to be the case. Alpacas also abound in Bolivia, it will be desirable to know whether or not the regulations of that Government in regard to their exportation are more liberal than those of its neighbor, and whether this exportation can be advantageously made.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR HISE.[1]

(No. 1.) DEPARTMENT OF STATE,

WASHINGTON, 3rd June, 1848.

SIR: The great extension which the coast of the United States on the Pacific has recently attained, followed, as it will be, by a rapid increase of our population in that quarter, admonishes this government to cultivate and strengthen, in a spirit of wise forecast, relations of friendship and commerce with the other governments whose territories border upon that ocean.

When the Federation of the Centre of America was formed, the government and people of the United States entertained the highest hopes and felt the warmest desire for its success and prosperity. Its government was that of a Federal Republic, composed of the five States of Guatemala, Honduras, Nicaragua, St. Salvador, and Costa Rica, and its constitution nearly resembled that of the United States. This constitution unfortunately endured but a brief period, and the different States of Central America are now politically independent of each other. The consequence is that each of them is so feeble as to invite aggressions from foreign powers. Whilst it is our intention to maintain our established policy of non-intervention in the concerns of foreign nations, you are instructed by your counsel and advice, should suitable occasions offer, to promote the reunion of the States which formed the Federation of Central America. In a federal union among themselves consists their strength. They will thus avoid domestic dissensions, and render themselves respected by the world. These truths you can impress upon them by the most powerful arguments.

[1] MSS. Department of State, Instructions, American States, XV. 51; H. Ex. Doc. 75, 31 Cong. 1 Sess. 92. Extract given in Curtis's Buchanan, I 621.

A principal object of your mission is to cultivate the most friendly relations with Guatemala. It is now an independent sovereignty and is by far the most populous and powerful of the States of the former federation. Whilst representing your Government at Guatemala, however, you will enjoy frequent opportunities of cultivating friendly relations between the United States and the other States of Central America, which you will not fail to embrace.

The enemies of free institutions throughout the world have been greatly encouraged by the constantly recurring revolutions and changes in the Spanish-American Republics. They are thus furnished with arguments against the capacity of man for self-government. The President and people of the United States have viewed these incessant changes with the most profound regret. Both our principles and our policy make us desire that these Republics should become prosperous and powerful. We feel a deep interest in their welfare, but this we know can only be promoted by free and stable governments. The enjoyment of liberty and the maintenance of private rights cannot be secured without permanent order, and this can only spring from the sacred observance of law. So long as successive military chieftains shall possess the ability and the will to subvert subsisting governments by the sword, the inevitable consequences must be a disregard of personal rights, weakness at home, and want of character abroad. In your intercourse with the authorities of Guatemala and the other States of Central America, you will not fail to impress upon them our example, where all political controversies are decided at the ballot-box.

I have no doubt that the dissolution of the confederacy of South America has encouraged Great Britain in her encroachments upon the territories of Honduras, Nicaragua, and Costa Rica, under the mask of protecting the so-called kingdom of the Mosquitos. We learn that under this pretext she has now obtained possession of the harbor of San Juan de Nicaragua, probably the best harbor along the whole coast. Her object in this acquisition is evident from the policy which she has uniformly pursued throughout her past history, of seizing upon every valuable commercial point throughout the world, whenever circumstances have placed this in her power. Her purpose probably is to obtain the control of the route for a railroad and a canal between the Atlantic and Pacific oceans, through the lake Nicaragua. In a document prepared, as it is understood, by Mr. Macgregor, and printed by

order of the British Parliament, which has been furnished to me by Mr. Crampton, Her Britannic Majesty's Chargé d'Affaires to the United States, Great Britain claims the whole of the sea-coast for the King of the Mosquitos, from Cape Honduras to Escuda de Veragua. By this means, she would exclude from the Caribbean Sea the whole of Honduras South of Cape Honduras and the entire States of Nicaragua and Costa Rica, as well as the New Granadian State of Veragua. Under the assumed title of protector of the Kingdom of Mosquito, a miserable, degraded and insignificant tribe of Indians, she doubtless intends to acquire an absolute dominion over this vast extent of sea coast. With what little reason she advances this pretension, appears from the Convention between Great Britain and Spain, signed at London on the 14th July, 1786. By its first article, "His Britannic Majesty's subjects and the other colonists who have hitherto enjoyed the protection of England shall evacuate the country of the Mosquitos, as well as the continent in general, and the Islands adjacent, without exception, situated beyond the line hereinafter described, as what ought to be the frontier of the extent of territory granted by His Catholic Majesty to the English, for the uses specified in the third article of the present Convention, and in addition to the country already granted to them in virtue of the stipulations agreed upon by the Commissioners of the two crowns, in 1783."

The country granted to them under the Treaties of 1783 and 1786 was altogether embraced within the present British province of Belize, and was remote from what is now claimed to be the Mosquito kingdom. The uses specified in the third article of the Convention were merely, in addition to that of "cutting wood for dyeing," the grant of the liberty of cutting all other wood, without even excepting mahogany, as well as gathering all the fruits or produce of the earth, purely natural and uncultivated, which may, besides being carried away in their natural state, become an object of utility or of commerce, whether for food or for manufactures; but it is expressly agreed that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cocoa, or other like articles; or any fabric or manufacture by means of mills or other machines whatsoever. (This restriction, however, does not regard the use of saw mills, for cutting or otherwise preparing the wood.) All the lands in question being indisputably acknowledged to belong of right to the Crown of Spain, no settlements

of that kind, or the population which would follow, could be allowed. "The English shall be permitted to transport and convey all such wood, and other produce of the place, in its natural and uncultivated state, down the rivers to the sea, but without ever going beyond the limits which are prescribed to them by the stipulations above granted, and without thereby taking an opportunity of ascending the said rivers, beyond their bounds, into the countries belonging to Spain."

And yet from this simple permission, within certain limits to cut and carry away all the different kinds of wood and the "produce of the earth, purely natural and uncultivated," accompanied by the most solemn acknowledgment, on the part of Great Britain, that all the lands in question "belong of right to the crown of Spain," she has by successive encroachments established the British Colony of the Belize.

The Government of the United States has not yet determined what course it will pursue in regard to the encroachments of the British Government, as protector of the King and Kingdom of the Mosquitos, but you are instructed to obtain all the information within your power upon the nature and extent of these encroachments and communicate it with the least possible delay to this Department. We are, also, desirous to learn the number of the Mosquito tribe, the degree of civilization they have attained, and everything else concerning them.

The independence as well as the interests of the nations on this continent require that they should maintain an American system of policy entirely distinct from that which prevails in Europe. To suffer any interference on the part of the European Governments with the domestic concerns of the American Republics and to permit them to establish new colonies upon this continent, would be to jeopard their independence and to ruin their interests. These truths ought everywhere throughout this continent to be impressed on the public mind. But what can the United States do to resist such European interference whilst the Spanish American Republics continue to weaken themselves by division and civil war and deprive themselves of the ability of doing anything for their own protection?

The relations between the United States and the States which formerly composed the Republic of Central America are of a character in which this government has always felt a lively interest. On the 22nd of November, 1822, after the Central American States had achieved their independence of Spain, but

before they were united under a common government, the Congress of St. Salvador passed an Act declaring that State a member of our Union, and Messrs. Arce and Rodriguez were sent hither to negotiate with this government upon the subject. No formal answer was given to the application, but the regard for our country and the confidence in its institutions which it implied deserve to be held in respectful remembrance.

The Federation of Central America had not long been formed, when its government accredited to that of the United States a Minister Plenipotentiary, with whom a Treaty was concluded in this City on the 5th of December, 1825. This Treaty was upon a basis more liberal than any which had previously been concluded by the United States. Although from the comparative insignificance of the commercial marine of that Republic there might have been cause to apprehend that some of the provisions of the Treaty, though reciprocal in terms, would prove unequal in their operation, it is believed that no complaints of this character were made, and that, in fact, there was no cause for them. Under the authority of the Treaty, consumers in Central America of articles from Europe or the East Indies derived advantages from the competition of the intelligence and enterprise of merchants of the United States in supplying them, far outweighing any benefits which that country could possibly have enjoyed from interposing impediments to the admission of our vessels and their cargoes. This, indeed, seems to have been the conviction of the Central American Government itself, so long as it existed. You will notice that the Treaty was to last twelve years from the date of the exchange of the ratifications, and that it did not contain the clause which has since been introduced into many of our Treaties, providing for its continuance. In consequence of this, in 1838, shortly previous to the expiration of the Treaty, Mr. De Witt, the Chargé d' Affaires of the United States at Guatemala, was empowered and instructed to renew it. The new Treaty was accordingly signed on the 14th of July, 1838. It contained a stipulation that the ratifications were to be exchanged in this City within eight months from its date. Mr. De Witt, having received leave of absence from his post, quitted that country before the Treaty had been acted upon by the Government of Central America, and when he reached the United States, bringing the Treaty with him, the period limited for the exchange of the ratifications had expired. In consequence of this, the Treaty did not go into operation. Mr. De Witt died

soon after his return home, and no successor to him as Chargé d'Affaires of the United States to Central America was appointed. In the summer of 1839, however, Mr. J. L. Stephens was sent as special agent of this government to that country, for the purpose, in part, of proposing to the Central American Government that the ratifications of the Treaty should be exchanged, notwithstanding the lapse of the time within which that ceremony was to have taken place. On reaching that country, however, he was unable to accomplish the object, in consequence of the dissolution of the government of Central America.

In the summer of 1841, Mr. W. S. Murphy was also despatched as a Special Agent to Central America. It was stated in his instructions that since the return of Mr. Stephens, there was reason to believe that a Confederation of some kind and to some extent had been formed in Central America; that in the opinion of the President it was desirable that this government should be in possession of authentic information in regard to the condition and prospects of that country. If he should find there any organized government with the title of the "Federation of Central America," he was to endeavor to effect with it the arrangement in relation to the Treaty which Mr. Stephens failed to accomplish. He ascertained that no government existed with the title above mentioned. He was informed, however, that there was a league or alliance among the Central American States, but he did not discover its nature or extent. The Department has reason to believe that since the mission of Mr. Murphy attempts have been made by some of those States to form a league for the purpose of transacting business with foreign powers, but it is doubtful whether any of these attempts have succeeded, and it is almost certain that at present there is no federal government in Central America entitled to the privileges or responsible for the duties of a sovereign power.

By a decree bearing date the 21st of March, 1847, the State of Guatemala declared itself a Free and Independent Republic.

The Department is informed that the government of Guatemala has recently expressed a disposition to form a Treaty with the United States. This disposition is reciprocated by the President. At as early a period, therefore, after you shall have been received by that government as you may judge proper, you may inform the Secretary of State of Guatemala that you are empowered to negotiate a treaty with his government, and you will request that, if the Government of Guatemala is disposed to

enter upon the negotiation, a person may also be empowered for the same purpose on its part. As it cannot be anticipated that the Guatemalan Government will object to the Treaty signed by Mr. De Witt and Mr. Alvarez on behalf of their respective Governments on the 14th July, 1838, you may propose the adoption of that Treaty between the United States and Guatemala. It is almost literally identical with the Treaty between the United States and the Federation of Central America of the 5th December, 1825. The variations between them are mentioned in the accompanying extract from the instructions of this Department to Mr. De Witt of the 28th March, 1838.

You are also herewith furnished with a Full Power to conclude a Treaty of Commerce with the Republic of San Salvador. Similar treaties with the other States of Central America would probably be useful in fostering our trade with them and in protecting our citizens who may visit or reside in their territories. It is not, however, deemed advisable to empower you to conclude a Treaty with either Nicaragua, Honduras, or Costa Rica, until you shall have communicated to the Department more full and authentic statistical information in regard to those States than that which it now possesses. You will accordingly be diligent in collecting this information, which it would be desirable that the Department should receive without any delay which can be avoided.

I am, Sir, very respectfully, Your obedient servant,

JAMES BUCHANAN.

TO ELIJAH HISE, ESQUIRE, &c. &c. &c.

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## TO MR. BILLE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 6th June, 1848.

MR. STEEN BILLE,
&c. &c. &c. Philadelphia.

SIR:

I have the honor to acknowledge the receipt of your note of the 29th ultimo, communicating, by order of your Government, an official notice to the Government of the United States of the Blockade, by the Danish Fleet, of certain Ports in the

[1] MSS. Department of State, Notes to Danish Legation, VI 10.

Baltic, belonging to Prussia and to other Powers with which Denmark is at this time engaged in War.

I have to thank you, at the same time, for the printed "Extract," which accompanied your note, embracing the general regulations adopted by Denmark for the blockade of enemies' ports and the seizure of their vessels.

I remain, Sir, with great consideration,

Your obedient servant,

JAMES BUCHANAN.

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## TO MRS. MADISON.[1]

DEPARTMENT OF STATE,

WASHINGTON, June 8th, 1848.

Received from Mrs. D. P. Madison, widow of the late James Madison, formerly President of the United States, four trunks containing papers, which are declared by her to be "all the unpublished manuscript papers of the said James Madison, belonging to and in her possession," agreeably to the deed this day signed and executed by her, conveying to the United States all her right and title in and to the said papers, in virtue of an act of Congress approved May 31, 1848, providing "for the purchase of the manuscript papers of the late James Madison, formerly President of the United States."

JAMES BUCHANAN,

Secretary of State.

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## TO THE PRESIDENT.[2]

DEPARTMENT OF STATE,

WASHINGTON, June 8th, 1848.

The Secretary of State, to whom has been referred a resolution of the Senate of the 31st Ultimo, in which the President is requested to communicate to that Body "the correspondence (not heretofore communicated) between the Secretary of State and the Minister of the United States at Paris, since the recent change in the Government of France, provided that, in the opinion of the President, the same may be done without injury to the

[1] MSS. Department of State, 36 Domestic Letters, 430.

[2] MSS. Department of State, Report Book, VI. 255. Transmitted by the President to the Senate, June 12, 1848; S. Ex. Doc. 53, 30 Cong. 1 Sess. 1.

public interest," has the honor to lay before him a copy of the papers called for by the Resolution.

All which is respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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## CERTIFICATE OF DELIVERY OF MADISON PAPERS

### TO THE SECRETARY OF STATE.[1]

[June 10, 1848.]

Whereas, by an Act of Congress, approved May 31, 1848, entitled "An act for the purchase of the manuscript papers of the late James Madison, formerly President of the United States," it is provided, "That the sum of twenty-five thousand dollars be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to purchase of Mrs. D. P. Madison, widow of the late James Madison, formerly President of the United States, all the unpublished manuscript papers of the said James Madison now belonging to and in her possession, and upon delivery thereof to the Secretary of State, with a proper conveyance of title to the United States, the said sum of money, upon the certificate of the Secretary of State of the delivery and conveyance of said papers, shall be paid at the Treasury, agreeably to the wishes of the said Mrs. Madison, and in the manner following, namely, five thousand dollars of said sum of twenty-five thousand dollars, to be paid to her, and the residue of twenty thousand to James Buchanan, now Secretary of State, John Y. Mason, Secretary of the Navy, and Richard Smith, Esq., of Washington city, to be held, put out to interest, vested in stocks, or otherwise managed and disposed of by them or the survivor or survivors of them as Trustees for the said Mrs. Madison according to their best discretion and her best advantage—the interest or profit arising from the said principal sum to be paid over to her as the same accrues—the said principal sum to be and remain inalienable during her life time, as a permanent fund for her maintenance, but subject to be disposed of as she may please by her last will and testament."

Now, therefore,

[1] MSS. Department of State, 30 Domestic Letters, 440.

I, James Buchanan, Secretary of State as aforesaid, do hereby certify that the said manuscript papers have been delivered to me, with a proper conveyance of title to the United States.

In testimony whereof, I have hereunto set my hand, and caused the seal of this Department to be affixed at Washington,

[Seal] this tenth day of June, one thousand eight hundred and forty-eight.

JAMES BUCHANAN.

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## TO MR. MEREDITH.[1]

WASHINGTON, June 12, 1848.

MY DEAR SIR:

I have received an intimation from our friends Fordney and Reynolds that you are willing to sell the Wheatlands, for the price which you gave Mr. Potter for them. As I intend, in any event, to retire from public life on the 4th of March next, I should be pleased to become the purchaser. The terms of payment I could make agreeable to yourself; and I should be glad if you would retain the possession until the autumn. In making this offer, I desire to purchase from you just what you purchased from Mr. Potter, and to pay you the same price which you paid him. If I have been misinformed in regard to your desire to sell, I know you will pardon this intrusion.

Yours, very respectfully,

JAMES BUCHANAN.

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## TO MR. FLENNIKEN.[2]

(No. 3.) DEPARTMENT OF STATE,
WASHINGTON, 17th June, 1848.

ROBERT P. FLENNIKEN, ESQRE.,
&c. &c. &c. Copenhagen.

SIR:

I transmit to you, herewith, the commission of Mr. H. T. A. Rainals, as Consul of the United States for the Port of Elsinore; on the receipt of which you will apply to the Danish Government for an Exequatur, which, when obtained, you will de-

[1] Curtis's Buchanan, II. 2. Mr. Meredith's reply is given at the place here cited.

[2] MSS. Department of State, Instructions, Denmark, XIV. 56.

liver personally, or forward with the commission, to Mr. Rainals, at the place for which he has been appointed.

Your despatches to No. 35, inclusive, with the exception of No. 34, have been received. I take the occasion, in acknowledging these despatches, to thank you for the information which you have from time to time communicated to the Department, especially in regard to the difficulties which have involved Denmark and Germany in an unhappy war.

The assurances privately and confidentially given you, in reference to the treatment of our ships under the blockade, as stated in your despatch No. 31, and confirmed by the facts mentioned in your No. 33, evince a friendly disposition on the part of the Danish Government which is highly appreciated by this Government; on whose behalf you will take an early and fitting opportunity to make a due acknowledgment.

The Despatch No. 1, which you say has never been received, was your first letter of instructions, dated the 16th of April of last year. It was handed to you, with the accompanying papers, whilst you were still in this City.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. INGERSOLL.[1]

(No. 6.) DEPARTMENT OF STATE,
WASHINGTON, 17th June, 1848.

RALPH J. INGERSOLL, ESQRE.,
&c., &c., &c.

SIR:

I have the honor to inform you that the President has, by and with the advice and consent of the Senate, made choice of Arthur P. Bagby, of Alabama, as Envoy Extraordinary and Minister Plenipotentiary of the United States near the Court of His Majesty the Emperor of all the Russias. Mr. Bagby will proceed upon his mission about the 1st of August next, at which date you are authorized to place the books and archives of the Legation in the hands of its Secretary, and return to the United States as you desire, without waiting for the arrival of your successor; provided that the absence of a Minister of the United

[1] MSS. Department of State, Instructions, Russia, XIV 82.

States at that time will, in your opinion, be productive of no detriment to the public interests. A letter of recall, to be presented on the occasion of your taking leave of the Emperor, is accordingly herewith transmitted to you, together with an office copy of the same.

Your despatches to No. 13, inclusive, have been duly received at this Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR SAUNDERS.[1]

(No. 20.) DEPARTMENT OF STATE,
WASHINGTON, 17th June, 1848.

ROMULUS M. SAUNDERS, ESQRE.,
&c., &c., &c.

SIR:

Information has been confidentially received at this Department that a powerful effort will shortly be made at Madrid by the Cubans and their friends in Spain to obtain a reduction of the duty on American flour imported into Cuba. The present rate of duty is enormous and amounts to an almost entire prohibition. Whilst Spanish flour, imported in Spanish vessels, pays a duty of $2.00 per barrel, American flour imported in American vessels is subject to a duty of $9.50 per barrel. The Spanish Government attempt to justify this extravagant discrimination by stating that it is necessary to protect the wheat growers of the Peninsula against foreign competition.

You are instructed to use your best endeavors to have this duty on American flour reduced to something like a reasonable standard; the lower, of course, the better. Both our agricultural and navigating interests will be greatly benefited by such a reduction, whilst the consumers of flour in the Island of Cuba will be relieved from an onerous tax. In accomplishing the object you may act in concert with them and their agents, so far as, in your judgment, this may be deemed proper and expedient.

For your information, I transmit, herewith, a copy of the "Havana Mercantile Weekly Report," and "Extra," of the 27th

[1] MSS. Department of State, Instructions, Spain, XIV. 253.

ultimo; showing the difference of duties paid on Spanish and Foreign Flour in that Island.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. SAUNDERS.[1]

(No. 21.) DEPARTMENT OF STATE,
WASHINGTON, 17th June, 1848.

SIR: By direction of the President, I now call your attention to the present condition and future prospects of Cuba. The fate of this Island must ever be deeply interesting to the people of the United States. We are content that it shall continue to be a Colony of Spain. Whilst in her possession we have nothing to apprehend. Besides, we are bound to her by the ties of ancient friendship, and we sincerely desire to render these perpetual.

But we can never consent that this Island shall become a Colony of any other European power. In the possession of Great Britain or any strong naval power, it might prove ruinous both to our domestic and foreign commerce, and even endanger the Union of the States. The highest and first duty of every independent nation is to provide for its own safety; and acting upon this principle we should be compelled to resist the acquisition of Cuba by any powerful maritime State with all the means which Providence has placed at our command.

Cuba is almost within sight of the coast of Florida. Situated between that State and the Peninsula of Yucatan and possessing the deep, capacious, and impregnably fortified harbor of the Havana, if this Island were under the dominion of Great Britain, she could command both the inlets to the Gulf of Mexico. She would thus be enabled in time of war effectively to blockade the mouth of the Mississippi and to deprive all the western States of this Union, as well as those within the Gulf, teeming as they are with an industrious and enterprising population, of a foreign market for their immense productions. But this is not the worst. She could, also, destroy the commerce by sea between our ports on the Gulf and our Atlantic ports,—a commerce of nearly as great a value as the whole of our foreign trade.

[1] MSS. Department of State, Instructions, Spain, XIV. 256. Printed, except paragraphs 4–12, inclusive, in H. Ex. Doc. 121, 32 Cong. 1 Sess. 42.

Is there any reason to believe that Great Britain desires to acquire the Island of Cuba?

We know that it has been her uniform policy throughout her past history to seize upon every valuable commercial point throughout the world whenever circumstances have placed this in her power. And what point so valuable as the Island of Cuba? The United States are the chief commercial rival of Great Britain. Our tonnage at the present moment is nearly equal to hers; and it will be greater within a brief period, if nothing should occur to arrest our progress. Of what vast importance would it then be to her to obtain the possession of an Island from which she could at any time destroy a very large proportion both of our foreign and coasting trade. Besides, she well knows that if Cuba were in our possession, her West India Islands would be rendered comparatively valueless. From the extent and fertility of this Island and from the energy and industry of our people, we should soon be able to supply the markets of the world with tropical productions at a cheaper rate than these could be raised in any of her possessions.

The disposition of Great Britain to extend her dominion over the most important commercial positions of the globe has been clearly manifested on a recent occasion. Tempted by the weakness and disunion of the Central American States, and acting under the mask of a protector to the King and Kingdom of the Mosquitos,—a miserable, degraded, and paltry tribe of Indians,—she is endeavoring to acquire permanent possession of the entire coast of the Caribbean Sea from Cape Honduras to Escuda de Veragua. She would thus exclude from that sea the whole of Honduras South of Cape Honduras, the entire States of Nicaragua and Costa Rica, and the New Granadian Province of Veragua. And this in express violation of her Treaty with Spain, of the 14th July, 1786, by which she acknowledged the sovereignty of the King of Spain over the country of the Mosquitos and agreed to evacuate it within the period of six months.

I might add, that Great Britain, from a simple permission by Spain under the Treaties of 1783 and 1786 to cut and carry away log-wood, mahogany, and other woods, and also the natural productions of the earth, within certain defined limits, has, by successive encroachments, established the British Colony of the Belize. This permission was also accompanied by the most solemn acknowledgment on the part of the British Govern-

ment, that all the lands within these limits "belong of right to the Crown of Spain."

Should Great Britain succeed in her attempts, under the pretext of being the protector of the King and Kingdom of the Mosquitos, she will acquire dominion over the whole Coast of the Caribbean Sea from the mouth of the Rio Honda at the Northern extremity of the Belize to the Escuda de Veragua in New Granada, with the exception of that part of the Coast between the Southern extremity of the Belize and Cape Honduras.

She has already taken forcible possession of the harbor of San Juan de Nicaragua, probably the best harbor along the whole coast. Her purpose, doubtless, is to obtain the control over the communication between the Atlantic and Pacific Oceans by the route of the Lake Nicaragua.

The northern boundary of the Belize is only about two hundred miles from the western extremity of Cuba; and if she could acquire the sovereignty over this Island, in addition to what she has already accomplished and is now struggling to obtain along the Coasts of the Caribbean Sea, our commerce on that sea, as well as in the Gulf, would be placed at her mercy.

It must be admitted that Great Britain has a much more plausible pretext for acquiring possession of the Island of Cuba than she had, as the assumed protector of the Kingdom of Mosquito, for seizing upon the Coasts of the Caribbean Sea. The foreign debt of Spain, according to Macgregor and McCulloch, amounted in January, 1842, to £65,000,000 sterling. The former author observes, that "the expenditure of Spain exceeds her interest without paying a real towards the interest of the foreign debt:" and the latter asserts with justice that "a large amount of this debt is due to the English; and the interest on it has not been paid for a lengthened period."[1]

Lord George Bentinck in a debate on the subject of the Spanish debt, in the House of Commons, on the 7th July, 1847, with the best means of obtaining information, stated with confidence the amount of the debt due by Spain to British subjects, on which no interest was paid, to be £40,000,000 sterling,—say $230,000,000.[2] In his speech, Lord Bentinck attempted to prove both the right and the duty of Great Britain to go to war with

[1] Macgregor's Com. Regulations, vol. 3, p. 89, title Spain; McCulloch's Gazetteer, p. 45.

[2] Hansard, vol. 93, p. 285. Vide Niles' Register, vol. 72, p. 387.

Spain for the recovery of this debt, if the object could not otherwise be accomplished; and he significantly referred to the revenues of the Islands of Cuba and Porto Rico as furnishing ample means not only for the payment of the interest, but for the liquidation of the principal. Lord Palmerston, in reply, admitted the right of the British Government to wage war against Spain for the recovery of this debt; but denied its expediency, under the then existing circumstances. He concluded his remarks, however, by stating: "But this is a question of expediency, and not a question of power; therefore, let no foreign country who has done wrong to British subjects deceive itself by a false impression either that the British nation or the British Parliament will forever remain patient under the wrong; or that, if called upon to enforce the rights of the people of England, the Government of England will not have ample power and means at its command to obtain justice for them."

Lord George Bentinck was so well satisfied with the speech of Lord Palmerston that he withdrew his motion for an address to Her Majesty to take such steps as she might deem advisable "to secure for the British holders of unpaid Spanish Bonds redress from the Government of Spain," observing: "After the tone taken by my noble friend, I am sure there will be nothing left to be wished for by the Spanish Bondholders. In the language of my noble friend, coupled with the course he has adopted upon former occasions as regards the payment of British subjects by Portugal and the South American States, the British holders of Spanish Bonds have full security that he will in other cases exercise the same energy when the proper time arrives to have it exercised, in the case of other subjects of the Crown. Such an intimation has been given in the tone and language of my noble friend to the Spanish nation; and I doubt not they will set themselves to work with very little loss of time to do justice to the foreign creditors of Spain."

At the present moment, it is not improbable that a rupture between Great Britain and Spain may be impending. The Spanish Government, whether with justice or not we have not yet the means of judging, have adopted the very strong and unusual measure of sending Sir Henry Bulwer, Her Britannic Majesty's Minister, his passports, and ordering him to quit the Kingdom within forty-eight hours. Should hostilities result from this proceeding, no doubt can be entertained that Great Britain would immediately seize upon Cuba. In any event, it is

almost certain that upon the occurrence of the first favorable opportunity she will endeavor to obtain a cession of this Island for the ostensible purpose of discharging the debts due to her subjects from the Spanish Government. And it may here be observed that these are rapidly accumulating by the addition of the accruing interest.

But let me present another view of the subject. If Cuba were annexed to the United States, we should not only be relieved from the apprehensions which we can never cease to feel for our own safety and the security of our commerce whilst it shall remain in its present condition, but human foresight cannot anticipate the beneficial consequences which would result to every portion of our Union. This can never become a local question.

1. With suitable fortifications at the Tortugas, and in possession of the strongly fortified harbor of Havana as a naval station on the opposite Coast of Cuba, we could command the outlet of the Gulf of Mexico between the Peninsula of Florida and that Island. This would afford ample security both to the foreign and coasting trade of the Western and Southern States which seek a market for their surplus productions through the Ports on the Gulf.

2. Under the Government of the United States, Cuba would become the richest and most fertile Island of the same extent throughout the world. According to Macgregor's Commercial regulations and his Commercial Statistics, "In 1830, of the 468,523 caballerias of 32 English acres of land, which compose the whole territory, 38,276 were under sugar, coffee, tobacco, garden, and fruit cultivation, and 9,734 in grazing grounds and in unfelled woods belonging to sugar and coffee estates." It thus appears that in 1830 less than one-twelfth of the whole Island was under cultivation. The same author says, "we have no accounts of the present extent of cultivation in Cuba; but by comparing the value of the exportable produce of 1830 with that of 1842, and by various estimates, we consider it probable that the lands under sugar, coffee, tobacco, and gardens, may fairly be estimated at 54,000 caballerias, or 1,728,000 acres." According to this estimate, between one-eighth and one-ninth, only, of the whole Island was under cultivation in 1842. The author proceeds,—"If we compare this extent with the remaining vast areas of the fertile soil of Cuba which are still uncultivated, and the produce which the whole Island at present yields, it can

scarcely be an exaggeration to say, that Europe might draw as much Coffee and Sugar from Cuba alone as the quantity already consumed."

Mr. Macgregor states the aggregate population of Cuba, in the year 1841, to have been only 1,007,624; but from the data which have just been presented, it may be fairly inferred that the Island of Cuba is capable of sustaining in comfort a population of ten millions of inhabitants.

Were Cuba a portion of the United States, it would be difficult to estimate the amount of breadstuffs, rice, cotton, and other agricultural, as well as manufacturing and mechanical productions—of lumber, of the products of our fisheries, and of other articles, which would find a market in that Island, in exchange for their coffee, sugar, tobacco, and other productions. This would go on, increasing with the increase of its population and the development of its resources; and all portions of the Union would be benefited by the trade.

Desirable, however, as the possession of this Island may be to the United States, we would not acquire it except by the free consent of Spain. Any acquisition not sanctioned by justice and honor would be too dearly purchased. Whilst such is the determination of the President, it is supposed that the present relations between Cuba and Spain might incline the Spanish Government to cede the Island to the United States, upon the payment of a fair and full consideration. We have received information from various sources, both official and unofficial, that among the Creoles of Cuba there has long existed a deep-rooted hostility to Spanish dominion. The revolutions which are rapidly succeeding each other throughout the world have inspired the Cubans with an ardent and irrepressible desire to achieve their independence. Indeed, we are informed by the Consul of the United States at the Havana that "there appears every probability that the Island will soon be in a State of civil war." He also states, that "efforts are now being made to raise money for that purpose in the United States, and there will be attempts to induce a few of the volunteer regiments now in Mexico to obtain their discharge and join in the Revolution."

I need scarcely inform you that the Government of the United States has had no agency whatever in exciting the spirit of disaffection among the Cubans. Very far from it. A short time after we received this information from our Consul, I addressed a despatch to him, of which I transmit you a copy, dated

on the 9th Instant, from which you will perceive that I have warned him to keep a watchful guard both upon his words and actions, so as to avoid even the least suspicion that he had encouraged the Cubans to rise in insurrection against the Spanish Government. I stated, also, that the relations between Spain and the United States had long been of the most friendly character; and both honor and duty required that we should take no part in the struggle which he seemed to think was impending.

I informed him that it would certainly "become the duty of this Government to use all proper means to prevent any of our volunteer regiments, now in Mexico, from violating the neutrality of the country by joining in the proposed civil war of the Cubans against Spain."

Since the date of my despatch to him, this duty has been performed. The Secretary of War, by command of the President, on the day following, (June 10th), addressed an order to our commanding general in Mexico, and also to the officer having charge of the embarkation of our troops at Vera Cruz, (of which I transmit you a copy,) directing each of them "to use all proper measures to counteract any such plan, if one should be on foot;" and instructing them "to give orders that the transports, on which the troops may embark, proceed directly to the United States, and in no event to touch at any place in Cuba."

The Consul in his despatch to me, also, stated that "if the revolution is attempted and succeeds, immediate application would be made to the United States for annexation," &c.; but he did not seem to think that it could be successful, and probably might not be undertaken without the aid of American troops. To this portion of the despatch I replied, knowing the ardent desire of the Cubans to be annexed to our Union that I thought it would not be "difficult to predict that an unsuccessful rising would delay, if it should not defeat, the annexation of the Island to the United States," and I assured him that the aid of our volunteer troops could not be obtained.

Thus you will perceive with what scrupulous fidelity we have performed the duties of neutrality and friendship towards Spain. It is our anxious hope that a rising may not be attempted in Cuba; but if this should unfortunately occur, the Government of the United States will have performed their whole duty towards a friendly Power.

Should the Government of Spain feel disposed to part with the Island of Cuba, the question, what should we offer for it,

would then arise. In deciding this question, it will be important to ascertain—

1. What nett revenue it yields, at the present moment, to the Royal Treasury, after deducting all the expenditure incurred on its account; and

2. What nett revenue would it yield to the Government of the United States in its present condition?

The first inquiry I have no means of answering with accuracy. McCulloch, in his Gazetteer, states that "the whole revenues of the Island, at an average of the five years ending with 1837, amounted to $8,945,581 per year;" and it is stated in Hunt's Merchant's Magazine for October, 1845, that the revenue for the year 1844 amounted to $10,490,252.87½. Since 1844, we have no information on the subject in the Department, upon which reliance can be placed.

Mr. Calderon informs me that the Spanish Treasury at Madrid have never received from Cuba, in any one year, a sum exceeding $2,000,000. In answer to an inquiry, how the remainder of the revenue was expended, he stated that it was appropriated to defray the expense of its Colonial Government, and to pay and support the troops and maintain the vessels of war necessary for its defence and security. It will occur to you, that if Spain should cede Cuba to the United States, she would at once relieve herself from a great part if not the whole of this civil, military, and naval expenditure. In this view of the subject, it would seem that the sum of $50,000,000 would be an ample pecuniary indemnity to Spain for the loss of the Island.

2. What nett revenue would it yield to the Government of the United States at the present moment?

In estimating the amount of this revenue, we must mainly rely upon two sources,—duties on imports, and the proceeds of the public lands.

Of the average revenue of $8,945,581 for the five years ending with 1837, McCulloch states, that "the maritime duties formed 61 per cent.; the internal taxes 22¾ per cent.; the ecclesiastical deductions 1¼ per cent.; the personal deductions 2¼ per cent.; the miscellaneous revenues 2½ per cent.; and the casual revenues 10¼ per cent." Now it is manifest that if Cuba were in the possession of the United States, the people would be relieved from the greater part, if not the whole, of these contributions, with the exception of the maritime duties. Besides, a considerable proportion of these maritime duties are levied upon

exports, which the Constitution of the United States would forbid.

But the important inquiry on this branch of the subject is, what amount of duties could we collect in the Island; and this must depend upon the amount of the imports. This we can ascertain for many years, up till 1844, inclusive, from the tables published annually by the Intendente of the Island. The following tabular statement, extracted from Hunt's Magazine, is doubtless correct.

| *Years* | *Imports.* | *Exports.* |
|---|---|---|
| 1840 | $24,700,189.31¼ | $25,041,783.37½ |
| 1841 | 25,081,408.50 | 26,774,614.56¼ |
| 1842 | 24,637,527.25 | 26,084,701.00 |
| 1843 | 23,422,096.43¾ | 25,029,792.62½ |
| 1844 | 25,056,231.06¼ | 25,426,591.18¾ |

Admitting that these imports have increased to $26,000,000 since 1844, and estimating the average rate of our duties under the existing Tariff at 25 per cent.,—which the Secretary of the Treasury informs me is correct, within a small fraction,—the revenue from imports would amount to $6,500,000. But from this sum must be deducted that portion of it which arises from duties on productions of the United States imported into Cuba. The total value of these during the year ending the 30th June, 1846, according to the books of our Custom-House, was $4,713,966. Estimating for their increased value, at the Custom-Houses in Cuba, in consequence of freight and other charges, it would approximate the truth to state that one-fifth of the imports into Cuba consists of American productions. Then in order to shew what revenue we would derive from imports into Cuba, we must deduct one-fifth from $6,500,000, and the balance remaining, $5,200,000, would be the amount.

It may be remarked, however, that our acquisition of the Island would, doubtless, considerably increase the annual military and naval expenditures of the United States.

But these calculations all refer to Cuba in its present condition. Were it a possession of the United States, its population and industry, and consequently its exports, would rapidly increase and produce proportionally increased imports. Indeed, it is highly probable that during the very first year, the duties would amount to a sum not less than $6,000,000.

In regard to the quantity of public lands still remaining in Cuba, the Department does not possess accurate information. From all that we have learned, it is believed that the Crown of Spain has already granted by far the greater portion of the whole territory of the Island to individuals. We need not, therefore, calculate upon deriving much revenue from this source.

Upon the whole, the President would not hesitate to stipulate for the payment of one hundred millions of dollars, in convenient instalments, for a cession of the Island of Cuba, if it could not be procured for a less sum.

The apprehensions which existed for many years after the origin of this Government, that the extension of our federal system would endanger the Union, seem to have passed away. Experience has proved that this system of confederated Republics, under which the Federal Government has charge of the interests common to the whole, whilst local Governments watch over the concerns of the respective States, is capable of almost indefinite extension, with increasing strength. This, however, is always subject to the qualification that the mass of the population must be of our own race, or must have been educated in the school of civil and religious liberty. With this qualification, the more we increase the number of confederated States, the greater will be the strength and security of the Union; because the more dependent for their mutual interests will the several parts be upon the whole and the whole upon the several parts.

It is true that of the 418,291 white inhabitants which Cuba contained in 1841, a very large proportion is of the Spanish race. Still many of our citizens have settled on the Island, and some of them are large holders of property. Under our Government it would speedily be *Americanized*,—as Louisiana has been.

Within the boundaries of such a federal system alone can a trade exempt from duties and absolutely free be enjoyed. With the possession of Cuba, we should have, throughout the Union, a free trade on a more extended scale than any which the world has ever witnessed,—arousing an energy and activity of competition which would result in a most rapid improvement in all that contributes to the welfare and happiness of the human race. What State would forego the advantages of this vast free trade with all her sisters, and place herself in lonely isolation!

But the acquisition of Cuba would greatly strengthen our bond of Union. Its possession would secure to all the States within the valley of the Mississippi and Gulf of Mexico free

access to the ocean; but this security could only be preserved whilst the ship-building and navigating States of the Atlantic shall furnish a navy sufficient to keep open the outlets from the Gulf to the Ocean. Cuba, justly appreciating the advantages of annexation, is now ready to rush into our arms. Once admitted, she would be entirely dependent for her prosperity, and even existence, upon her connexion with the Union; whilst the rapidly increasing trade between her and the other States would shed its benefits and its blessings over the whole. Such a state of mutual dependence, resulting from the very nature of things, the world has never witnessed. This is what will insure the perpetuity of our Union.

With all these considerations in view, the President believes that the crisis has arrived when an effort should be made to purchase the Island of Cuba from Spain, and he has determined to intrust you with the performance of this most delicate and important duty. The attempt should be made, in the first instance, in a confidential conversation with the Spanish Minister for Foreign Affairs. A written offer might produce an absolute refusal in writing, which would embarrass us, hereafter, in the acquisition of the Island. Besides, from the incessant changes in the Spanish Cabinet and policy, our desire to make the purchase might thus be made known in an official form to Foreign Governments and arouse their jealousy and active opposition. Indeed, even if the present Cabinet should think favorably of the proposition, they might be greatly embarrassed by having it placed on record; for, in that event, it would almost certainly, through some channel, reach the opposition, and become the subject of discussion in the Cortes. Such delicate negotiations, at least in their incipient stages, ought always to be conducted in confidential conversation, and with the utmost secrecy and despatch.

At your interview with the Minister for Foreign Affairs, you might introduce the subject by referring to the present distracted condition of Cuba, and the danger which exists that the population will make an attempt to accomplish a revolution. This must be well known to the Spanish Government. In order to convince him of the good faith and friendship towards Spain with which this Government has acted, you might read to him the first part of my despatch to General Campbell, and the order issued by the Secretary of War to the Commanding General in Mexico, and to the officer having charge of the embarkation of

our troops at Vera Cruz. You may then touch delicately upon the danger that Spain may lose Cuba by a revolution in the Island, or that it may be wrested from her by Great Britain, should a rupture take place between the two countries, arising out of the dismissal of Sir Henry Bulwer, and be retained to pay the Spanish debt due to the British Bond-holders. You might assure him, that whilst this Government is entirely satisfied that Cuba shall remain under the dominion of Spain, we should, in any event, resist its acquisition by any other nation. And, finally, you might inform him, that under all these circumstances, the President had arrived at the conclusion that Spain might be willing to transfer the Island to the United States for a fair and full consideration. You might cite as a precedent the cession of Louisiana to this country by Napoleon, under somewhat similar circumstances, when he was at the zenith of his power and glory. I have merely presented these topics in their natural order; and you can fill up the outline from the information communicated in this despatch, as well as from your own knowledge of the subject.

Should the Minister for Foreign Affairs lend a favorable ear to your proposition, then the question of the consideration to be paid would arise; and you have been furnished with information in this despatch which will enable you to discuss that question. In justice to Mr. Calderon, I ought here to observe, that whilst giving me the information before stated, in regard to the nett amount of revenue from Cuba which reached old Spain, he had not then, and has not now, the most remote idea of our intention to make an attempt to purchase the Island.

The President would be willing to stipulate for the payment of one hundred millions of dollars for the Island, and its dependencies, in ten equal annual instalments. This, however, is the maximum price: and if Spain should be willing to sell, you will use your best efforts to purchase it at a rate as much below that sum as practicable. In case you should be able to conclude a Treaty, you may adopt as your model, so far as the same may be applicable, the two Conventions of April 30th, 1803, between France and the United States, for the sale and purchase of Louisiana. The Seventh and Eighth Articles of the first of these Conventions, ought, if possible, to be omitted; still if this should be indispensable to the accomplishment of the object, articles similar to them may be retained.

I transmit you a Full Power to conclude such a Treaty.

You will be careful to make a full and faithful report to this

Department of all the conversations and proceedings on this subject between yourself and the Spanish Minister for Foreign Affairs.

Should you succeed in accomplishing the object, you will associate your name with a most important and beneficial measure for the glory and prosperity of your country.

Yours, very respectfully,

JAMES BUCHANAN.

ROMULUS M. SAUNDERS, ESQRE.

P. S.—You will send your despatches on the subject of this despatch by a Special Messenger to our Consul at Liverpool, and draw upon the Department for the expense, unless you can transmit them by a trusty person. They may be directed to the President. You may probably have occasion, in relation to this subject, to use the cypher of the Legation.

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## TO MR. VINTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 19th June, 1848.

HON. SAMUEL F. VINTON,
Chairman Com. Ways & Means, H. R.

SIR:

In obedience to a request of the Judiciary Committee of the House of Representatives, I addressed a note on the 10th March, 1846, to the Hon. George Rathburn, Chairman of that Committee, recommending a re-organization of the State Department. In that note I expressed the opinion that this Department in its present defective organization "is wholly inadequate to perform the duties which it owes to the country." Subsequent experience has confirmed me in this opinion; but I shall leave to my successor, whoever he may be, to recommend such changes as he may consider necessary.

There is one new Clerkship, however, which I deem indispensable at the present moment: for the purpose of examining the facts and the principles involved in the private claims of citizens of the United States upon foreign Governments, in which the agency of the Department is so often invoked: and

[1] MSS. Department of State, Report Book, VI 267.

also, in the private claims presented by foreign Governments against the United States in behalf of their citizens. Many claims of the latter description, arising out of the Mexican War, have been already presented and many more are anticipated.

In my note to the Chairman of the Judiciary Committee, to which I have already referred, I observed that "no claim ought ever to be presented to a foreign government, in the name of the nation, until it shall have undergone a careful scrutiny, and the Department shall have ascertained that it presents at least a clear *prima facie* case of justice. This is due alike to our National character and to the cause of justice. For the want of an adequate force to make such examinations, it has been too often the practice to transmit these private claims to our Legations abroad, without due consideration, to be there advocated and urged. The tendency of this practice has been to perplex and embarrass our diplomatic agents; to involve them in useless and irritating controversies with those to whom they are accredited; to excite prejudice and ill feeling against our citizens; and to endanger the character of our country for fair dealing with nations of the world."

It is believed that a person sufficiently acquainted with the principles of Commercial and International Law to discharge these important duties could not be procured for a less salary than $2000.

I would, therefore, respectfully suggest to the Committee the propriety of making provision, in the Civil Appropriation Bill, for the employment of an additional Clerk in the State Department, whose duty it shall be to examine claims of citizens of the United States against Foreign Governments and claims of the citizens of Foreign Governments against the United States and to perform such other duties as the Secretary of State may designate.

I am, Sir, Respectfully, &c.

JAMES BUCHANAN.

## TO MR. WILLIAMS.[1]

DEPARTMENT OF STATE,
WASHINGTON, June 21, 1848.

HON. HEZEKIAH WILLIAMS,
of the Ho. Reps. U. S.

SIR:

I have the honor to acknowledge the receipt of your note of the 17th inst., enclosing the depositions of the master and three of the crew of the American fishing schooner "Ityades," of Eastport, Maine, seized in the Bay of Fundy by the British revenue cutter "Daring" in May last, and taken into the port of Digby in Nova Scotia, and requesting such intervention on the part of this Department as the facts represented would seem to justify, in defence of the rights and interests of the master and owners of said schooner.

This vessel was doubtless captured under the 1st article of the Treaty of the 20th October, 1818. It was the duty of the master to appear before the competent court and resist the condemnation. If this be done and a clear case of injustice should be made out in the decision of the competent tribunal, then this Government would interfere. But it is not competent for the master to abandon his vessel, leave the case without defence, and then appeal to this Government to make it an international question. In a similar case, we would not recognize such a claim ourselves. I am, &c.,

JAMES BUCHANAN.

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## TO MR. MASON.

DEPARTMENT OF STATE,
WASHINGTON, June 23rd, 1848.

HON: JOHN Y. MASON
Secretary of the Navy.

SIR,

I enclose for your information a copy of a letter, received this day from Messrs. B. C. Clark & Co., dated "Boston June

[1] MSS. Department of State, 36 Domestic Letters, 445. No claim appears to have been presented in this case to the mixed commission under the claims convention between the United States and Great Britain of Feb. 8, 1853.

[2] MSS. Department of State, Despatches to Consuls, XIII. 78.

21st, 1848," upon the subject of the happy effect produced at Aux Cayes, Hayti, by the visit of the Sloop of War Saratoga, and asking that the protection of the Government be also extended to our Citizens residing at Cape Haytien, Port au Prince, & Jacmel.

I have the honor to be &c.

JAMES BUCHANAN.

P. S. I also enclose for your perusal two letters received from the U. S. Commercial Agents at Port au Prince & Aux Cayes relating to the present deplorable state of affairs in the Island of Hayti, and the insecurity of the lives & property of foreign residents.

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## TO MR. RANTOUL.[1]

DEPARTMENT OF STATE,
WASHINGTON, 23d June, 1848.

ROBERT RANTOUL, ESQ.,
Attorney of U. S. for District of Mass., Boston.

SIR:

The Minister for Foreign Affairs of the Republic of Venezuela has addressed a communication to this Department stating that it had been announced that Mr. Juan Manuel Manrique, formerly the Venezuelan Minister of Finance and Foreign Relations, had repaired to this country in quest of succor for the party in arms against the existing Government of Venezuela, and expressing the confidence of that Government that the Government of the U. S. would not allow any expedition to be organized or assistance for the purpose of hostilities against Venezuela to be obtained, within our territory.

The President consequently directs that you will be vigilant in detecting any violation of the Act of Congress approved 20th April, 1818, entitled "An Act in addition to the 'Act for the punishment of certain crimes against the United States' and to repeal the Act therein mentioned," and that if a violation of that Act by Mr. Manrique or any other person shall come to your knowledge, you will prosecute the offenders accordingly.

I am, &c.,

JAMES BUCHANAN.

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[1] MSS. Department of State, 36 Domestic Letters, 452.

## TO MR. PALFREY.[1]

DEPARTMENT OF STATE,
WASHINGTON, June 24, 1848.

HON. JOHN G. PALFREY,
House of Representatives.

SIR:

I have had the honor to receive your letter of the 17th inst., in behalf of the Joint Committee on the Library: and in answer I cannot say that, in my opinion, "the Government derived essential assistance from the manuscripts of Captain Ingraham in substantiating their claim to the Oregon Territory."

The manuscript journal of Captain Ingraham's second voyage to the Pacific, when he commanded the brig Hope, of Boston, is now in possession of the Department of State. It consists of four volumes neatly written and embellished by numerous charts and other drawings; and contains many particulars, relative to the Pacific ocean and the inhabitants of its coasts during the years 1791, 2, and 3.

In my examination of the Oregon question I did not refer to this Journal. Indeed I had not seen it until after that question was finally settled. It is but just, however, to state, that the History of Oregon and California, by Robert Greenhow, frequently refers to Ingraham's Journal: and it was from this history that my information as to the facts in support of our claim was principally derived. According to my best recollection, however, the only extract from the Journal in Mr. Greenhow's book (vide page 413) to which I attached any importance either as strengthening our title or weakening that of Great Britain, is the letter of Captains Gray and Ingraham to the Spanish Commandant at Nootka, dated August 3d, 1792. This letter constituted an item in the mass of testimony proving that no British settlement had ever been made at Nootka Sound. But notwithstanding this, Nootka, with Vancouver's Island on which it is situated, has been assigned to Great Britain, under the Treaty of Limits of the 15th June, 1846.

I return you the papers which accompanied your letter.

Yours very respectfully,

JAMES BUCHANAN.

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[1] MSS. Department of State, 36 Domestic Letters, 447.

## TO U. S. CONSULS.[1]

DEPARTMENT OF STATE,
WASHINGTON, June 26th, 1848.

TO THE RESPECTIVE CONSULS OF THE
UNITED STATES IN EUROPE.

SIR,

This letter will be handed to you by A. Dudley Mann, Esqre., of Washington, who goes abroad, under instructions from this Department, with the view of collecting particular information relative to the rules and regulations observed in different Countries of Europe concerning Emigrants to the United States. I take pleasure in commending Mr. Mann and the object of his Mission to your favorable notice, and in requesting that you will afford him all the facilities in your power, in obtaining the information desired.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO MR. GRINNELL.[2]

DEPARTMENT OF STATE,
WASHINGTON, 26th June, 1848.

HON. J. GRINNELL,
House of Representatives.

SIR:

I have the honor to acknowledge the receipt of your letter of the 22d instant, accompanied by one addressed to you by Matthew Crosby, Esq., of Nantucket, asking for the interposition of this Government towards recovering reparation from the Government of Peru for an alleged wrongful seizure by officers of that Government of a quantity of clothing on board the whale ship Washington in the harbor of Callao.

It appears from Mr. Crosby's letter that the subject had

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[1] MSS. Department of State, Despatches to Consuls, XII. 386.

[2] MSS. Department of State, 36 Domestic Letters, 448. This claim was laid before the mixed commission under the claims convention between the United States and Peru of Jan. 12, 1863. The umpire disallowed it on the ground that the seizure of the articles, which were afterwards returned, was made because of the claimant's failure to comply with customs regulations. (Moore, International Arbitrations, II. 1620.)

been brought to the notice of our Consul and Chargé d'Affaires at Lima. No despatches in regard to it have been received from either of those officers. From the high character, however, which they both enjoy for intelligence and promptness, in matters of business, Mr. Crosby may be sure that nothing which it might be proper to do toward obtaining redress will have been omitted by them. It is presumed that the laws of Peru permit and require the legality of such seizures to be judicially contested. If this course shall have been pursued, and it shall then appear that flagrant injustice has been done to the claimants, indemnification will be demanded of the Peruvian Government. Two copies of the protest of the master of the vessel, and of the account of damages claimed for the seizure, should be communicated to this Department, one to be transmitted to the Chargé d'Affaires at Lima, and the other to be retained on our files for future reference.

I have the honor, &c.,

JAMES BUCHANAN.

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## TO MR. HOPKINS.[1]

(No. 5.) DEPARTMENT OF STATE.

WASHINGTON, 27th June, 1848.

GEORGE W. HOPKINS, ESQRE.,

&c., &c., Lisbon.

SIR:

Your despatch of the 18th April, (not numbered,) has been received.

The Department entirely approves of the course pursued by you in regard to the vexatious treatment to which the masters of American vessels have been subjected in the ports of Portugal; and it is to be hoped that your representations on the subject to the Portuguese Government may be promptly followed by proper relief. You will continue to exert yourself to have an end put to these and all other annoyances of which citizens of the United States have had cause to complain, by remonstrating against them, and demanding redress in the name of your Government.

Your suggestion in reference to the importance of ordering our vessels of war to touch at the European ports along the

[1] MSS. Department of State, Instructions, Portugal, XIV. 103.

Atlantic Coast has been communicated to the Navy Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. VINTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, June 27, 1848.

HON. SAMUEL F. VINTON,
Chairman Com. of Ways & Means,
House of Representatives.

SIR:

Upon the request of Samuel L. Harris, Esq., the agent of the states of Maine and Massachusetts, I have the honor of transmitting to you the enclosed documents filed in this Department in support of a claim of these states against the Government of the U. S. under the 4th article of the Treaty concluded at Washington on the 9th day of August, 1842, between Great Britain and the United States, for such action as you may deem just and equitable.

Yours very respectfully,

JAMES BUCHANAN.

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## TO MR. ELLSWORTH.[2]

(No. 14.) DEPARTMENT OF STATE,
WASHINGTON, 29th June, 1848.

HENRY W. ELLSWORTH, ESQRE.,
&c., &c., Stockholm.

SIR:

I have the honor to acknowledge the receipt of your despatches to No. 59, inclusive, and of your private letters of the 2nd February and 23rd March. Numbers 28 and 29 have never reached the Department. No. 37 is dated the 13th July, and No. 40, which succeeded it, the 10th November of last year, leaving a gap in your correspondence of nearly four months.

[1] MSS. Department of State, 36 Domestic Letters, 450.
[2] MSS. Department of State, Instructions, Sweden, XIV, 30.

In answer to your No. 45, to which you advert in subsequent despatches, requesting instructions, I may remark, that I still indulge the hope that, in the conflicting interests which appear to divide and distract the Diet, in reference to contemplated changes in the Tariff, no measures will be adopted which may jeopard the existing commercial relations between the two countries.

In my despatch, No. 12, of the 13th of May, of last year, I have entered fully upon the subject of our commercial relations with Sweden and Norway, and furnished you with general instructions to guide your conduct. You will omit no occasion to explain, in the proper quarters, these views and feelings of your Government.

In regard to the "proviso," of which you have transmitted a copy in your number 45, under which the spirit of our Treaty of reciprocity with Sweden would be annulled, and American vessels would no longer enjoy the rights to which they are entitled under that Treaty, it can scarcely be anticipated that this proviso will be adopted by the Diet. Against any such measure you will protest in the most earnest manner: and distinctly announce to the Government that its adoption will force the United States into the abrogation of the subsisting Treaty between the two countries.

I rely with confidence upon your exertions in regard to a subject which you so well understand.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. CRAMPTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 30th June, 1848.

JOHN F. CRAMPTON, ESQRE.,
&c., &c., &c.

SIR:

In answer to your note of the 25th ultimo, I have the honor to transmit to you a copy of my letter to the Honble. Joseph R. Ingersoll, Chairman of the Committee on the Judiciary of the House of Representatives: and to inform you that a bill has

[1] MSS. Department of State, Notes to Great Britain, VII. 184.

already passed that House to secure the faithful execution of our treaties of extradition with foreign Governments.

I avail myself of this occasion to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

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## TO MR. McKAY.[1]

DEPARTMENT OF STATE,
WASHINGTON, 1st July, 1848.

HON. JAMES J. McKAY,
House of Representatives.

SIR:

In answer to the enquiry of your correspondent, Mr. W. S. Ashe, whose letter you have left at this Department, I have to state, that the two claims upon the Government of Texas to which he refers are presumed to be those in the cases of the brig Pocket and the brig Durango. By instructions under date the 22d July, 1837, Mr. La Branche, the Chargé d'Affaires of the U. S. to that Government, was directed to present them with a demand for reparation. The Pocket was captured on the 28th March, 1836, by the Texian armed schooner Invincible, taken into Galveston, and, with her cargo, appropriated without trial or condemnation by persons claiming to act under the authority of the Government of Texas. The Durango was seized in Matagorda bay, on the 22d of March, 1836, by an armed force acting under the orders of John A. Wharton, Adjutant General of Texas, and ——— Brown, Commander of the same schooner Invincible. She was consequently abandoned by her master.

Mr. La Branche's application for redress in these cases was ultimately successful. On the 11th of April, 1838, he concluded at Houston a formal convention upon the subject, by which the Government of Texas stipulated to pay to the Government of the U. S. eleven thousand seven hundred and fifty dollars in satisfaction of the claims. This convention was duly ratified by both Governments, and the money was paid and distributed pursuant to its provisions.

Mr. Ashe's letter to you is herewith returned.

I have the honor, &c.,

JAMES BUCHANAN.

[1] MSS. Department of State, 36 Domestic Letters, 453.

## TO MR. PARKER.[1]

No. 5. DEPARTMENT OF STATE.
WASHINGTON, 1st July, 1848.

PETER PARKER, ESQ.
&c. &c. &c.

SIR:

I have the honor to acknowledge the receipt of your despatches to No. 46, inclusive. The Department approves your interposition in behalf of the two Italian Bishops and the Spanish Missionary, spoken of in your No. 43, and will, in accordance with your suggestion, communicate the correspondence growing out of this affair to our diplomatic representative at Rome.

I regret, though, from your previous communications, I am not surprised to learn, "that one or other of two alternatives is inevitable, either tacitly to consent that the treaty become a dead letter, as far as any of its provisions are at variance with *the prejudices, interests, and policy* of the Chinese, or by some demonstration to evince to the Imperial Government that treaties are sacred and must be maintained."

This Government is both able and willing to perform the duty which it owes to American citizens, by enforcing their just claims under the treaty against the Government of China: and I am happy to inform you that, before this can probably reach Canton, our squadron in the Chinese seas will consist of the sloops of war the Plymouth and the Preble and the brig Dolphin. The Ohio seventy-four is now in the Pacific: and the Secretary of the Navy informs me, that he will immediately send orders to her to visit China on her return to the United States. Whilst our squadron cannot act offensively without the authority of Congress, yet its presence may, and I trust will, enable you to obtain redress for our injured citizens. The arrival of Mr. Davis, our new Commissioner, on board of the Plymouth, will present a favorable occasion for urging our claims. It is earnestly hoped that the Chinese Government will then feel the necessity of retracing its steps and executing the treaty in good faith.

As no use is made here of the *Chinese versions* of the correspondence between the United States Commissioner at Canton and the Imperial Government, and as their transmission hither by the overland route through India is attended with heavy postage

[1] MSS. Department of State, Instructions, China, I. 54

charges, it would be well hereafter to omit forwarding transcripts, the preparation of which must necessarily cost you much additional labor.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. STILES.[1]

No. 22. DEPARTMENT OF STATE,
WASHINGTON, 6th July, 1848.

WILLIAM H. STILES, ESQRE.,
etc., etc., Vienna.

SIR:—

I wrote to you on the 27th ultimo. I have, since that time, received your despatch No. 31, of the 31st May, at the close of which you renew the personal request, made in a former communication, to be permitted to employ the services of an individual whose task it would be "to seek and procure for you information which could not but be considered both extraordinary and important."

In answer, I have to state, that I have submitted your proposition to the President, who, whilst he justly appreciates the valuable information which you have, from time to time, communicated, in regard to the astounding events which are transpiring in the Austrian Empire, is yet unwilling to grant your request. There is no precedent for the employment, at the public expense, of any agent to assist a Chargé d'Affaires in the performance of his duties: and it is not deemed expedient to establish such a precedent, even on the present occasion. Other Chargés on the Continent of Europe have, also, performed their duty in collecting and communicating to this Department important information concerning the political changes which are occurring within the sphere of their observation. It would be necessary to place them on the same footing with yourself, and this would go far to exhaust the limited fund provided for the contingent expenses of foreign intercourse.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS Department of State, Instructions, Austria, I. 52.

# MESSAGE, JULY 6, 1848,

## OF PRESIDENT POLK.[1]

To the Senate and House of Representatives of the United States:

I lay before Congress copies of a treaty of peace, friendship, limits, and settlement, between the United States and the Mexican republic, the ratifications of which were duly exchanged at the city of Queretaro, in Mexico, on the 30th day of May, 1848.

The war in which our country was reluctantly involved, in the necessary vindication of the national rights and honor, has been thus terminated, and I congratulate Congress, and our common constituents, upon the restoration of an honorable peace.

The extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past, and the brilliant achievements and signal successes of our arms will be a guaranty of security for the future, by convincing all nations that our rights must be respected. The results of the war with Mexico have given to the United States a national character abroad which our country never before enjoyed. Our power and our resources have become known, and are respected throughout the world, and we shall probably be saved from the necessity of engaging in another foreign war for a long series of years. It is a subject of congratulation that we have passed through a war of more than two years' duration with the business of the country uninterrupted, with our resources unexhausted, and the public credit unimpaired.

I communicate for the information of Congress the accompanying documents and correspondence relating to the negotiation and ratification of the treaty.

Before the treaty can be fully executed on the part of the United States, legislation will be required.

It will be proper to make the necessary appropriations for the payment of the twelve millions of dollars stipulated by the twelfth article to be paid to Mexico in four equal annual instalments. Three millions of dollars were appropriated by the act of March 3, 1847, and that sum was paid to the Mexican government after the exchange of the ratifications of the treaty.

The fifth article of the treaty provides that, "in order to designate the boundary line with due precision upon authoritative maps, and to establish, upon the ground, land marks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte."

It will be necessary that provision should be made by law for the appointment of a commissioner and surveyor, on the part of the United States, to act in conjunction with a commissioner and surveyor appointed by Mexico, in executing the stipulations of this article.

It will be proper, also, to provide by law for the appointment of a "board of commissioners" to adjudicate and decide upon all claims of our

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[1] S. Ex. Doc. 60, 30 Cong. 1 Sess. 1.

citizens against the Mexican government, which by the treaty have been assumed by the United States.

New Mexico and Upper California have been ceded by Mexico to the United States, and now constitute a part of our country. Embracing nearly ten degrees of latitude, lying adjacent to the Oregon territory, and extending from the Pacific ocean to the Rio Grande, a mean distance of nearly a thousand miles, it would be difficult to estimate the value of these possessions to the United States. They constitute of themselves a country large enough for a great empire, and their acquisition is second only in importance to that of Louisiana in 1803. Rich in mineral and agricultural resources, with a climate of great salubrity, they embrace the most important ports on the whole Pacific coast of the continent of North America. The possession of the ports of San Diego and Monterey and the bay of San Francisco will enable the United States to command the already valuable and rapidly increasing commerce of the Pacific. The number of our whale ships alone now employed in that sea exceeds seven hundred, requiring more than twenty thousand seamen to navigate them, while the capital invested in this particular branch of commerce is estimated at not less than forty millions of dollars. The excellent harbors of Upper California will, under our flag, afford security and repose to our commercial marine, and American mechanics will soon furnish ready means of ship-building and repair, which are now so much wanted in that distant sea.

By the acquisition of these possessions, we are brought into immediate proximity with the west coast of America, from Cape Horn to the Russian possessions north of Oregon, with the islands of the Pacific ocean, and by a direct voyage in steamers we will be in less than thirty days of Canton and other ports of China.

In this vast region, whose rich resources are soon to be developed by American energy and enterprise, great must be the augmentation of our commerce, and with it new and profitable demands for mechanic labor in all its branches, and new and valuable markets for our manufactures and agricultural products

While the war has been conducted with great humanity and forbearance, and with complete success on our part, the peace has been concluded on terms the most liberal and magnanimous to Mexico. In her hands the territories now ceded had remained, and it is believed would have continued to remain, almost unoccupied and of little value to her or to any other nation, whilst, as a part of our Union, they will be productive of vast benefits to the United States, to the commercial world, and the general interests of mankind.

The immediate establishment of territorial governments, and the extension of our laws over these valuable possessions, are deemed to be not only important but indispensable to preserve order and the due administration of justice within their limits, to afford protection to the inhabitants, and to facilitate the development of the vast resources and wealth which their acquisition has added to our country.

The war with Mexico having terminated, the power of the Executive to establish or to continue temporary civil governments over these territories, which existed under the laws of nations whilst they were regarded as conquered provinces in our military occupation, has ceased. By their cession to the United States, Mexico has no longer any power over them, and, until

Congress shall act, the inhabitants will be without any organized government. Should they be left in this condition, confusion and anarchy will be likely to prevail.

Foreign commerce, to a considerable amount, is now carried on in the ports of Upper California, which will require to be regulated by our laws. As soon as our system shall be extended over this commerce, a revenue of considerable amount will be at once collected, and it is not doubted that it will be annually increased. For these and other obvious reasons, I deem it to be my duty, earnestly to recommend the action of Congress on the subject at the present session.

In organizing governments over these territories, fraught with such vast advantages to every portion of our Union, I invoke that spirit of concession, conciliation, and compromise, in your deliberations, in which the Constitution was framed, in which it should be administered, and which is so indispensable to preserve and perpetuate the harmony and union of the States. We should never forget that this union of confederated States was established and cemented by kindred blood, and by the common toils, sufferings, dangers, and triumphs of all its parts, and has been the ever augmenting source of our national greatness and of all our blessings.

There has, perhaps, been no period, since the warning so impressively given to his countrymen by Washington to guard against geographical divisions and sectional parties, which appeals with greater force than the present to the patriotic, sober-minded, and reflecting of all parties, and of all sections of our country. Who can calculate the value of our glorious Union? It is a model and example of free government to all the world, and is the star of hope and haven of rest to the oppressed of every clime. By its preservation we have been rapidly advanced, as a nation, to a height of strength, power, and happiness, without a parallel in the history of the world. As we extend its blessings over new regions, shall we be so unwise as to endanger its existence by geographical divisions and dissensions?

With a view to encourage the early settlement of these distant possessions, I recommend that liberal grants of the public lands be secured to all our citizens who have settled, or may in a limited period settle, within their limits.

In execution of the provisions of the treaty, orders have been issued to our military and naval forces to evacuate without delay the Mexican provinces, cities, towns, and fortified places in our military occupation, and which are not embraced in the territories ceded to the United States. The army is already on its way to the United States. That portion of it, as well regulars as volunteers, who engaged to serve during the war with Mexico, will be discharged as soon as they can be transported or marched to convenient points in the vicinity of their homes. A part of the regular army will be employed in New Mexico and Upper California, to afford protection to the inhabitants and to guard our interests in these territories.

The old army, as it existed before the commencement of the war with Mexico, especially if authority be given to fill up the rank and file of the several corps to the maximum number authorized during the war, it is believed will be a sufficient force to be retained in service during a period of peace. A few additional officers, in the line and staff of the army, have been authorized, and these, it is believed, will be necessary in the peace establishment, and should be retained in the service. The number of the general

officers may be reduced, as vacancies occur by the casualties of the service, to what it was before the war.

While the people of other countries, who live under forms of government less free than our own, have been for ages oppressed by taxation, to support large standing armies in periods of peace, our experience has shown that such establishments are unnecessary in a republic. Our standing army is to be found in the bosom of society. It is composed of free citizens, who are ever ready to take up arms in the service of their country when an emergency requires it. Our experience in the war just closed fully confirms the opinion that such an army may be raised upon a few weeks' notice, and that our citizen soldiers are equal to any troops in the world. No reason, therefore, is perceived why we should enlarge our land forces and thereby subject the treasury to an annual charge. Sound policy requires that we should avoid the creation of a large standing army in a period of peace. No public exigency requires it. Such armies are not only expensive and unnecessary, but may become dangerous to liberty.

Besides making the necessary legislative provisions for the execution of the treaty, and the establishment of territorial governments in the ceded country, we have, upon the restoration of peace, other important duties to perform. Among these I regard none as more important than the adoption of proper measures for the speedy extinguishment of the national debt. It is against sound policy and the genius of our institutions, that a public debt should be permitted to exist a day longer than the means of the treasury will enable the government to pay it off. We should adhere to the wise policy laid down by President Washington, of "avoiding the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden we ourselves ought to bear."

At the commencement of the present administration, the public debt amounted to seventeen millions seven hundred and eighty-eight thousand seven hundred and ninety-nine dollars and sixty-two cents. In consequence of the war with Mexico, it has been necessarily increased, and now amounts to sixty-five millions seven hundred and seventy-eight thousand four hundred and fifty dollars and forty-one cents, including the stock and treasury notes which may yet be issued under the act of January 28, 1847, and the sixteen million loan recently negotiated, under the act of March 31, 1848.

In addition to the amount of the debt, the treaty stipulates that twelve millions of dollars shall be paid to Mexico, in four equal annual instalments of three millions each, the first of which will fall due on the 30th day of May, 1849. The treaty also stipulates that the United States shall "assume and pay" to our own citizens "the claims already liquidated and decided against the Mexican republic," and "all claims not heretofore decided against the Mexican government," "to an amount not exceeding three and a quarter millions of dollars." The "liquidated" claims of citizens of the United States against Mexico, as decided by the joint board of commissioners under the convention between the United States and Mexico of the 11th of April, 1839, amounted to two millions and twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents. This sum was payable in twenty equal annual instalments. Three of them have been paid to the claimants by the Mexican government, and two by the United States—leaving to be paid of

the principal of the liquidated amount assumed by the United States the sum of one million five hundred and nineteen thousand six hundred and four dollars and seventy-six cents, together with the interest thereon. These several amounts of "liquidated" and unliquidated claims assumed by the United States, it is believed, may be paid as they fall due, out of the accruing revenue, without the issue of stock or the creation of any additional public debt.

I cannot too strongly recommend to Congress the importance of husbanding all our national resources, of limiting the public expenditures to necessary objects, and of applying all the surplus at any time in the treasury to the redemption of the debt. I recommend that authority be vested in the Executive by law to anticipate the period of reimbursement of such portion of the debt as may not be now redeemable, and to purchase it at par, or at the premium which it may command in the market, in all cases in which that authority has not already been granted. A premium has been obtained by the government on much the larger portion of the loans; and if, when the government becomes a purchaser of its own stock, it shall command a premium in the market, it will be sound policy to pay it, rather than to pay the semi-annual interest upon it. The interest upon the debt, if the outstanding treasury notes shall be funded, from the end of the last fiscal year until it shall fall due and be redeemable, will be very nearly equal to the principal, which must itself be ultimately paid.

Without changing or modifying the present tariff of duties, so great has been the increase of our commerce under its benign operation, that the revenue derived from that source, and from the sales of the public lands, will, it is confidently believed, enable the government to discharge annually several millions of the debt, and at the same time possess the means of meeting necessary appropriations for all other proper objects. Unless Congress shall authorize largely increased expenditures, for objects not of absolute necessity, the whole public debt existing before the Mexican war, and that created during its continuance, may be paid off without any increase of taxation on the people long before it falls due.

Upon the restoration of peace, we should adopt a policy suited to a state of peace. In doing this, the earliest practicable payment of the public debt should be a cardinal principle of action. Profiting by the experience of the past, we should avoid the errors into which the country was betrayed shortly after the close of the war with Great Britain in 1815. In a few years after that period, a broad and latitudinous construction of the powers of the federal government unfortunately received but too much countenance. Though the country was burdened with a heavy public debt, large and in some instances unnecessary and extravagant expenditures were authorized by Congress. The consequence was, that the payment of the debt was postponed for more than twenty years; and even then it was only accomplished by the stern will and unbending policy of President Jackson, who made its payment a leading measure of his administration. He resisted the attempts which were made to divert the public money from that great object, and apply it in wasteful and extravagant expenditures for other objects; some of them of more than doubtful constitutional authority and expediency.

If the government of the United States shall observe a proper economy in its expenditures, and be confined in its action to the conduct of our foreign relations, and to the few general objects of its care enumerated in the Con-

stitution, leaving all municipal and local legislation to the States, our greatness as a nation, in moral and physical power, and in wealth and resources, cannot be calculated.

By pursuing this policy, oppressive measures operating unequally and unjustly upon sections and classes will be avoided, and the people, having no cause of complaint, will pursue their own interests, under the blessings of equal laws and the protection of a just and paternal government. By abstaining from the exercise of all powers not clearly conferred, the current of our glorious Union, now numbering thirty States, will be strengthened as we grow in age and increase in population, and our future destiny will be without a parallel or example in the history of nations.

JAMES K. POLK.

WASHINGTON, July 6, 1848.

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## TO MR. MARTIN.[1]

(No. 4.) DEPARTMENT OF STATE,
WASHINGTON, 7th July, 1848.

JACOB L. MARTIN, ESQRE.,
&c., &c., Rome.

SIR:

I have had the honor to receive your despatch, No. 1, dated at Paris on the 1st May. It is presumed that you have already reached Rome, and entered upon the duties of your new and interesting mission.

I transmit, herewith, an extract of a despatch, dated at Canton, on the 20th of March, from the Revd. Peter Parker, then in charge of the U. S. Legation in China; which, with the accompanying correspondence, (copy of which is also sent,) will acquaint you with the circumstances to which they relate, connected with the release of two Italian Bishops and a Spanish Missionary, who had been arrested by the Chinese Government, in the Province of Hoo-Pih, and conveyed as prisoners to the City of Canton.

These documents are communicated for your own information, and to enable you, if you should deem this proper, to make the facts known to the Papal Government. The conduct of Mr. Parker, on the occasion, evinces an enlightened humanity, and has received the cordial approbation of the President.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

[1] MSS. Department of State, Instructions, Papal States, I 7.

## TO MR. SAUNDERS.[1]

(No. 22.) DEPARTMENT OF STATE,
WASHINGTON, 7th July, 1848.

SIR: With reference to the instruction to you of the 17th ultimo, No. 21, I will thank you to substitute the following paragraph for that beginning with the words "In regard to the public lands of Cuba."

In regard to the quantity of public lands still remaining in Cuba, the Department does not possess accurate information. From all that we have learned, it is believed that the Crown of Spain has already granted by far the greater portion of the whole territory of the Island to individuals. We need not, therefore, calculate upon deriving much revenue from this source.

I am, Sir, very respectfully, Your obedient servant,
JAMES BUCHANAN.

ROMULUS M. SAUNDERS, ESQRE.

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## TO MR. WALKER.[2]

DEPARTMENT OF STATE,
WASHINGTON, 7th July, 1848.

HON. R. J. WALKER,
Secretary of the Treasury.

I have the honor to acknowledge the receipt of your letter of the 3d inst., requesting a copy of the communication addressed by you to Major General W. O. Butler, authorizing him to draw on the Treasury Department for the three millions of dollars appropriated by the act of the 3d March, 1847; and, also, requesting to be informed if official intelligence has been received at this Department of the exchange of the ratifications of the Treaty of Peace with Mexico.

A transcript of your letter to Gen. Butler, under date the 23d February last, is accordingly herewith communicated. I have received official intelligence that the ratifications of the Treaty of Peace with the Mexican Republic were exchanged in the city of Queretaro on the 30th of May last.

I have the honor, &c., JAMES BUCHANAN.

[1] MSS. Department of State, Instructions, Spain, XIV. 270; H. Ex. Doc. 121, 32 Cong. 1 Sess. 40

[2] MSS. Department of State, 30 Domestic Letters, 455.

## TO MR. WESTCOTT.[1]

Department of State,
Washington, July 7, 1848.

Hon. J. D. Westcott,
Senate Chamber.

Sir:

I have to acknowledge the receipt of Mr. R. D. Fontane's letter of the 30th of May last, addressed to yourself, requesting a passport for Mr. Thomas Ugarte, of Havana, the son of Mr. Antoine Ugarte, who claims to be a citizen of the U. S. by virtue of the Florida treaty of 22d February, 1819.

Upon a consideration of the facts stated in this letter, it does not appear that Mr. Thomas Ugarte is a citizen of the United States; and, therefore, he cannot receive a passport.

Regretting that I cannot comply with Mr. Fontane's request,
I remain, Sir, &c.,

James Buchanan.

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## TO MISS LANE.[2]

Washington, 8 July, 1848.

My dear Harriet

I suppose you will now within a week or ten days return to the exhibition; & we shall all be happy to see you. If you should not have good company all the way through, I could meet you in Baltimore without inconvenience almost any evening leaving here in the cars at 5 o'clock P.M. You would arrive in Baltimore, probably a little before my arrival; but whoever might accompany you to Baltimore could take you to Barnum's until my arrival. If you should adopt this course, inform me certainly of the day you will leave Lancaster, so that there may be no mistake.

We have no news here which would interest you. Everything has been quiet since you left. The Pleasontons & others often inquire of your health.

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[1] MSS. Department of State, 36 Domestic Letters, 458.

[2] Buchanan Papers, private collection; Curtis's Buchanan, I. 540.

I am glad to learn that Mary has turned out to be "a grand housekeeper." You could not have given me any more agreeable information. If she had proved to be idle & extravagant in youth, the promise of her age would have been poverty & dependence. There is no spectacle more agreeable to me than that of a young married woman properly sensible of the important duties of her station & acting upon those high principles which add lustre to the female character. Give her my kindest love; with my best respect to Mr. Baker.

Remember me affectionately to James[1] & the family, & believe me to be yours as ever,

JAMES BUCHANAN.

MISS LANE.

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## TO MR. GRINNELL.[2]

DEPARTMENT OF STATE,
WASHINGTON, 11th July, 1848.

HON. JOSEPH GRINNELL,
of the Com. on Commerce, H. of R.

SIR:

I have had the honor to receive your note of yesterday, together with the Memorial of Henry Leef and the accompanying document.

You request my views "as to the liability of the Government to pay citizens for the illegal acts of its officers:" and I am very clearly of opinion that no such legal liability exists. If an officer of the Government, acting against law and without instructions, does an injury to an individual, the latter must look to the personal responsibility of the wrong doer for redress. The Government, in such a case, would be no more bound by the acts of its officer, than a principal would be by the acts of an Attorney who had exceeded his authority. If the rule were otherwise, it would be in the power of officers to embarrass the Treasury; and in many instances, a strong temptation might be presented to them to act in this manner.

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[1] James Buchanan Henry, Mr. Buchanan's nephew.

[2] MSS. Department of State, Report Book, VI. 268.

Such is undoubtedly the general rule, but very strong and peculiar cases may present exceptions. It is, however, for the legislative branch of the Government to decide in its discretion whether under all the circumstances the case of Henry Leef be of this character. I am Sir &c.

James Buchanan.

P. S. The memorial and statement which accompanied your statement are herewith returned.

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## TO THE PRESIDENT.[1]

[July 17, 1848.]

To the President of the United States.

The Secretary of State, to whom was referred the Resolution of the House of Representatives of the 10th Inst. requesting the President to communicate to that House "the best and most reliable information in his possession relating to the proper limits and boundaries of New Mexico and California, with the population of each, respectively, and particularly copies of the maps referred to in the late Treaty between Mexico and the United States," has the honor to lay before the President a copy of Disturnell's map of the United Mexican States published at New York in 1847. This is the only map referred to in the treaty between the United States and Mexico, and was the one used in negotiating that Treaty, as will appear from the certificate of the Commissioners, a copy of which is appended hereto. This map contains the latest information in the possession of the Department relating to "the proper limits and boundaries" of New Mexico & the Californias. It may here be observed, however, that on this map that part of New Mexico on this side of the Rio Grande is embraced within the limits of what is denominated Santa Fé.

The only separate map of New Mexico of which I am aware is that contained in the Atlas to Thompson's edition of the

[1] MSS. Department of State, Report Book, VI. 269; H. Ex. Doc. 70, 30 Cong. 1 Sess. 7–8. In the manuscript record book, into which this report was copied, no date is given; but this imperfection is removed by the printed document, in which the date is given. See message of President Polk, July 24, 1848, infra.

Geographical and Historical Dictionary of America and the West Indies by Col. Don Antonio de Alcedo, published at London in 1812, a work of the highest authority. The Department has a copy of this work and the accompanying Atlas, with the exception of the Map of New Mexico, which was taken from it by your direction for Mr. Slidell's use and transmitted to him with his instructions. This map it is presumed is now with the Archives of the United States Legation at the city of Mexico. There is also a copy of Thompson's Alcedo belonging to the Library of Congress, but I am informed that it is without the Atlas.

M. Duflot de Morfras, in his work entitled "Exploration du territoire de l'Oregon, des Californies &c." published at Paris in 1844, in speaking of the Geography of Upper California, states that "this magnificent province extends from the 32d to the 42d degree of North latitude; it is bounded on the North by the Oregon territory, on the South by Ancient (or Lower) California, on the East by the Rocky Mountains, and on the West by the Pacific Ocean."

It is believed that no census of the population of New Mexico and the Californias has ever been taken, and but little accurate information on this subject has been published.

According to Gregg's Commerce of the Prairies, published at New York in 1844, the entire population of New Mexico, including the Pueblo Indians, does not exceed seventy thousand souls.

According to the estimate of John Parrott, Esquire, our late Consul at Mazatlan, a gentleman whose opportunities were favorable for obtaining information, the population of Upper California was estimated, in 1845, at 15,000 Whites, 4,000 domesticated Indians, and 20,000 other Indians, making an aggregate of 30,000 souls. The population of Lower California, in 1845, consisted of 2,000 whites, 2,000 domesticated Indians, and 7,000 other Indians, making an aggregate of 11,000 souls.

Thomas O. Larkin, Esq., our late Consul at Monterey, agrees with Mr. Parrott in estimating the White population of Upper California in 1845 at 15,000 souls. In regard to the number of Indians he has made no report.

In compliance with a request to Colonel Fremont, he has furnished me with an estimate of the White and Indian population of the Californias; and from his well known ability and superior means of information, this is entitled to the highest consideration. He observes, that, "in that portion of the territory

popularly known as Upper California, being the occupied part lying between the Sierra Nevada and the Coast, the entire population, all castes included, may be fairly estimated at 50,000 for the close of the year 1847." Of this there were of Spanish Whites and mixed bloods about 12,000, and of Americans, English, French, &c., 4,000, making an aggregate of 16,000 souls. The Indians within these limits he estimates at 34,000, of which 4,000 are domesticated.

In Upper California east of the Sierra Nevada, Colonel Fremont states that the only white inhabitants are a settlement of Mormons on the Great Salt Lake, amounting to about 3,000. He cannot furnish an estimate with any approach to certainty of the number of wandering and unsettled Indians in that extensive region.

Colonel Fremont estimates the population of Lower California at 2,000 of White and mixed bloods, 2,000 of domesticated Indians, and 6,000 of wild Indians, making an aggregate of 10,000 souls.

All which is respectfully submitted.

JAMES BUCHANAN.

DEPARTMENT OF STATE, WASHINGTON, July 17, 1848.

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## TO MR. VAUX ET AL.[1]

DEPARTMENT OF STATE,
WASHINGTON, 17th July, 1848.

RICHARD VAUX & ROBERT TYLER, ESQUIRES.

GENTLEMEN: I have received your note and the accompanying package for Mr. Martin. With every disposition to serve you, and with the warmest admiration for the character of the illustrious Pope, I regret to say that, without violating a rule of the Department, I cannot transmit the proceedings of the meeting held in January last, in Philadelphia, to Rome, to be presented to the Pope by our Chargé d'Affaires. You will perceive at once that if the proceedings of public meetings of our fellow citizens be transmitted by the Department to our Diplomatic agents to

[1] MSS. Department of State, 36 Domestic Letters, 462. Robert Tyler was a son of President Tyler by his first wife, and a warm personal and political friend of Mr. Buchanan.

be presented to foreign Governments in one case, this must be done in all; and the practice might subject our Government to serious inconvenience, if not injury.

I am happy, however, to inform you that I have promised to give the Courier's passport for the steamer from Boston of the 26th July to the Rev. Mr. O'Donnell, of St. Augustine's church, Philadelphia, who will go directly to Rome; and this will afford you an excellent opportunity of transmitting the proceedings to the Pope.

Yours very respectfully,

JAMES BUCHANAN.[1]

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## TO MR. DODGE.[2]

(Unofficial.) WASHINGTON, 18th July, 1848.

HON. HENRY DODGE,
&c., &c.

MY DEAR SIR:

I have received your note of the 13th inst., together with the letters of Judge Irwin and Mr. Catlin. Although it does not pertain to my official duty to decide the question which they have propounded, yet it affords me pleasure, in compliance with your verbal request, to give you my opinion on the subject.

The question is whether the laws of the territory of Wisconsin still remain in force in that portion of it now beyond the limits of the state of Wisconsin. I am very clearly of opinion that these laws are still in force over the territory not embraced within the limits of the State. It cannot be supposed that Congress, by admitting the state of Wisconsin into the Union, intended to deprive the citizens of the U. S. beyond its limits of the protection of existing laws; and there is nothing in their legislation from which any such inference can be drawn.

[1] S. Ex. Doc. 20, 31 Cong. 2 Sess. 7, contains a letter from Mr. George W. Sanders to Mr. Buchanan, dated Washington, July 17, 1848, relating to an offer by the Hudson's Bay Company to sell to the United States certain possessions. Mr. Sanders' letter begins as follows: "In reply to the inquiries contained in your communication of present date, I beg leave respectfully to state," but the following note appears on the same page: "The communication from Mr Buchanan here referred to is not to be found in the department."

[2] MSS. Department of State, 30 Domestic Letters, 466.

The difficult question is, what officers still remain to carry these laws into execution? It is clear to my mind that all the local officers residing in counties without the state line, such as Judges of Probate, Sheriffs, Justices of the Peace, and Constables, may exercise their appropriate functions as heretofore. Whether the general officers, such as Governor, Secretary, and Judges, appointed for the whole of the former territory, are authorized to perform their duties within what remains of it, presents a question of greater difficulty, on which I express no opinion. Whatever may be the correct decision of this question, immediate legislation is required—because it is very certain that Congress will never consent to maintain the machinery provided for the government of the entire territory merely for the purpose of governing the twenty-five hundred or three thousand inhabitants who reside beyond the limits of the state.

Yours very respectfully,

JAMES BUCHANAN.

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## TO M. BOURBOULON.[1]

DEPARTMENT OF STATE.
WASHINGTON, 19th July, 1848.

MR. A. BOURBOULON,
&c., &c., &c.

SIR:

I have the honor to acknowledge the receipt of your note of the 11th instant, enclosing a copy of a decree passed by the National Assembly of France, in reply to the Joint Resolution of Congress, of the 13th April last, congratulating the French People on the success of their late Revolution; and am, Sir, with high consideration,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to French Legation, VI. 119.

## TO MR. MANGUM.[1]

DEPARTMENT OF STATE,
WASHINGTON, 19th July, 1848.

HON. WILLIE P. MANGUM,
Senate Chamber.

SIR:

In compliance with the request contained in your note of this day, I hasten to transmit to you a copy of a letter addressed by me, on the 2d March last, to the Hon. J. J. McKay, then Chairman of the Committee of Ways and Means of the House of Representatives on the subject of the "Amistad case." The decided opinion which I expressed in that letter, in favor of the claim, has undergone no change; and I am firmly convinced that good policy requires its immediate adjustment.

The President, in his annual message to Congress of December last, has recommended, in the strongest terms, that "an appropriation be made, to be paid to the Spanish Government for the purpose of distribution among the claimants in the Amistad case."

I also refer you, for information on this subject, to a Report No. 753, (June 24, 1846,) made by the Committee on Foreign Affairs of the House of Representatives.

Yours respectfully,

JAMES BUCHANAN.

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## TO MR. BIDLACK.

(No. 20.) DEPARTMENT OF STATE,
WASHINGTON, 20th July, 1848.

TO B. A. BIDLACK, ESQUIRE,
&c. &c. &c.

SIR:

The Treaty between the United States and New Granada signed by yourself on the part of your own government having been duly ratified and proclaimed by the President, I transmit copies thereof. Permit me to congratulate you upon the asso-

[1] MSS. Department of State, 30 Domestic Letters, 405.
[2] MSS. Department of State, Instructions, Colombia, XV. 117.

ciation of your name with this instrument. It has been most favorably received by the public, and, I doubt not, will be of great and lasting advantage to both countries.

Your despatches to No. 54 inclusive have been received. The whole amount paid to Corcoran and Riggs, on the draft to which you refer in your No. 52, was nine hundred and fifty-four dollars and thirty-one cents.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO MR. HUTTER.[1]

*Private.*

WASHINGTON, 22 July 1848.

MY DEAR SIR/

I hasten to answer yours of the 20th August. Among the prominent candidates for Governor, I should scarcely know how to choose between Plumer, Black, & Bigler, were the question left to my decision. If the Democracy of Lancaster County prefer any one of these three I should be entirely satisfied, though I could never interfere in his favor as against either of the other two.

As the editor of an able & independent Democratic Journal you ought, on this important occasion, to pursue the course which you deem best calculated to secure the nomination of the most worthy candidate & the triumph of the good old cause. Act upon your own judgment, & provided this be done with the energy & effort necessary to success, I shall be the last man to censure your conduct.

[1] Buchanan Papers, Historical Society of Pennsylvania. Edwin Wilson Hutter, after editing various newspapers in Pennsylvania, took up his abode in Lancaster, and was private secretary to Mr. Buchanan when the latter was Secretary of State. He afterwards became a clergyman, and was for some years the pastor of St. Matthew's Evangelical Lutheran church in Philadelphia. He was a firm adherent of the government of the United States during the Civil War. (Appleton's Cyclopædia of American Biography, III. 335.)

I never see the Lancasterian, nor do I care to see it.
With my kindest regards for Mrs. Hutter, I remain
Very respectfully your friend
JAMES BUCHANAN.

E. W. HUTTER, ESQUIRE.

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## TO MR. DONELSON.[1]

(No. 16.) DEPARTMENT OF STATE,
WASHINGTON, 24th July, 1848.

A. J. DONELSON, ESQRE.,
&c., &c., &c.

SIR:

I must write you briefly, as this is the last hour for the Steamer of the 26th instant.

Your despatch No. 91, of the 30th ultimo, has been received; and, also, a despatch of the 3rd instant from Mr. Graebe.

The latter furnishes a copy, in translation, of the Act of the German Parliament at Frankfort, creating a Provisional Executive Department for all the German States; and informs us that the Arch-Duke John, of Austria, has been elected Administrator of the Empire.

Under these circumstances, the President authorises you to proceed to Frankfort, and there, as the Diplomatic Representative of the United States, recognise the Provisional Government of the new German Confederation; provided you shall find such a Government in successful operation.

The President has observed, with the deepest interest, the efforts of the German States and People to establish an efficient Federal Government for all Germany; and he will hail with unalloyed pleasure the accomplishment of this great event. The sympathies of the American people have ever been warmly enlisted in all that can contribute to the welfare and power of Germany. Our best wishes attend the progress of the Germans to the final establishment of a Confederacy, which shall secure the liberty and prosperity of the people, without unnecessarily abridging the powers of the Sovereign States, of which it is composed.

[1] MSS. Department of State, Instructions, Prussia, XIV. 124.

It is under such a system that we have preserved public order, maintained private rights, and enjoyed unexampled liberty and prosperity. I wish I had time to expatiate on this interesting subject.

When at Frankfort, you will use your best efforts to promote our commercial interests, and to effect a reduction of duty upon the importation of our important agricultural and manufacturing productions.

Yours, very respectfully,

JAMES BUCHANAN.

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## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,

WASHINGTON, 24th July, 1848.

The Secretary of State, to whom has been referred the Resolution of the Senate dated on the 24th of April, requesting the President to furnish to that Body "any correspondence in the Department of State with the American Chargé d'Affaires in Portugal in relation to the claim of the owners of the Ship Miles, of Warren, in the State of Rhode Island, upon the Government of Portugal, for payment of a cargo of oil taken by the officers and applied to the uses of that Government. Also copies of any correspondence between our Chargé and the Minister of the Portuguese Government relating to the claim for and the payment of said cargo, together with such papers as are in the Department, substantiating the claim"—has the honor to lay before the President copies of all the papers on file in the Department of State which are called for by the Resolution.

Respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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[1] MSS. Department of State, Report Book, VI. 270. This report was transmitted by the President to the Senate, July 31, 1848, and was printed, with the accompanying papers, in S. Ex. Doc. 64, 30 Cong. 1 Sess.

# MESSAGE OF PRESIDENT POLK

## ON NEW MEXICO AND CALIFORNIA.[1]

[July 24, 1848.]

To the House of Representatives of the United States.

In answer to the resolutions of the House of Representatives of the 10th instant, requesting information in relation to New Mexico and California, I communicate herewith reports from the Secretary of State,[2] the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, with the documents which accompany the same. These reports and documents contain information upon the several points of inquiry embraced by the resolutions. "The proper limits and boundaries of New Mexico and California" are delineated on the map referred to in the late treaty with Mexico, an authentic copy of which is herewith transmitted; and all the additional information upon that subject, and, also, the most reliable information in respect to the population of these respective Provinces which is in the possession of the Executive will be found in the accompanying report of the Secretary of State.

The resolutions request information in regard to the existence of civil governments in New Mexico and California; their "form and character;" by "whom instituted;" by "what authority;" and how they are "maintained and supported."

In my message of December 22, 1846, in answer to a resolution of the House of Representatives calling for information "in relation to the establishment or organization of civil government in any portion of the territory of Mexico which has been or might be taken possession of by the Army or Navy of the United States," I communicated the orders which had been given to the officers of our Army and Navy, and stated the general authority upon which temporary military governments had been established over the conquered portion of Mexico then in our military occupation.

The temporary governments authorized were instituted by virtue of the rights of war. The power to declare war against a foreign country, and to prosecute it according to the general laws of war, as sanctioned by civilized nations, it will not be questioned, exists under our Constitution. When Congress has declared that war exists with a foreign nation, "the general laws of war apply to our situation;" and it becomes the duty of the President, as the constitutional "Commander in Chief of the Army and Navy of the United States," to prosecute it.

In prosecuting a foreign war thus duly declared by Congress, we have the right, by "conquest and military occupation," to acquire possession of the territories of the enemy, and, during the war, to "exercise the fullest rights of sovereignty over it." The sovereignty of the enemy is in such case "suspended," and his laws can "no longer be rightfully enforced" over the conquered territory, "or be obligatory upon the inhabitants who remain and submit to the conqueror. By the surrender the inhabitants pass under a temporary allegiance" to the conqueror, and are "bound by such laws, and such only, as" he may choose to recognize and impose. "From the nature

[1] H. Ex. Doc. 70, 30 Cong. 1 Sess.

[2] See report, July 17, 1848, supra.

of the case, no other laws could be obligatory upon them; for where there is no protection, or allegiance, or sovereignty, there can be no claim to obedience." These are well-established principles of the laws of war, as recognized and practised by civilized nations; and they have been sanctioned by the highest judicial tribunal of our own country.

The orders and instructions issued to the officers of our Army and Navy, applicable to such portions of the Mexican territory as had been or might be conquered by our arms, were in strict conformity to these principles. They were, indeed, ameliorations of the rigors of war, upon which we might have insisted. They substituted for the harshness of military rule something of the mildness of civil government, and were not only the exercise of no excess of power, but were a relaxation in favor of the peaceable inhabitants of the conquered territory who had submitted to our authority, and were alike politic and humane.

It is from the same source of authority that we derive the unquestioned right, after the war has been declared by Congress, to blockade the ports and coasts of the enemy, to capture his towns, cities, and provinces, and to levy contributions upon him for the support of our Army. Of the same character with these is the right to subject to our temporary military government the conquered territories of our enemy. They are all belligerent rights, and their exercise is as essential to the successful prosecution of a foreign war as the right to fight battles.

New Mexico and Upper California were among the territories conquered and occupied by our forces, and such temporary governments were established over them. They were established by the officers of our Army and Navy in command, in pursuance of the orders and instructions accompanying my message to the House of Representatives of December 22, 1846. In their form and detail, as at first established, they exceeded, in some respects, as was stated in that message, the authority which had been given; and instructions for the correction of the error were issued in despatches from the War and Navy Departments of the 11th of January, 1847, copies of which are herewith transmitted. They have been maintained and supported out of the military exactions and contributions levied upon the enemy, and no part of the expense has been paid out of the Treasury of the United States.

In the routine of duty some of the officers of the Army and Navy who first established temporary governments in California and New Mexico have been succeeded in command by other officers, upon whom like duties devolved; and the agents employed or designated by them to conduct the temporary governments have also, in some instances, been superseded by others. Such appointments for temporary civil duty, during our military occupation, were made by the officers in command in the conquered territories, respectively.

On the conclusion and exchange of ratifications of a treaty of peace with Mexico, which was proclaimed on the 4th instant, these temporary governments necessarily ceased to exist. In the instruction to establish a temporary government over New Mexico, no distinction was made between that and the other Provinces of Mexico which might be conquered and held in our military occupation.

The Province of New Mexico, according to its ancient boundaries as claimed by Mexico, lies on both sides of the Rio Grande. That part of it on the east of that river was in dispute when the war between the United States and Mexico commenced. Texas, by a successful revolution in April, 1836, achieved, and subsequently maintained, her independence. By an act of the Congress of Texas, passed in December, 1836, her western boundary was declared to be the Rio Grande, from its mouth to its source, and thence due north to the forty second degree of north latitude. Though the Republic of Texas, by many acts of sovereignty which she asserted and exercised, some of which were stated in my annual message of December, 1846, had established her clear title to the country west of the Nueces, and bordering upon that part of the Rio Grande which lies below the Province of New Mexico, she had never conquered, or reduced to actual possession, and brought under her government and laws, that part of New Mexico lying east of the Rio Grande, which she claimed to be within her limits. On the breaking out of the war we found Mexico in possession of this disputed territory. As our Army approached Santa Fé (the capital of New Mexico) it was found to be held by a governor under Mexican authority, with an armed force collected to resist our advance. The inhabitants were Mexicans, acknowledging allegiance to Mexico. The boundary in dispute was the line between the two countries engaged in actual war, and the settlement of it of necessity depended on a treaty of peace. Finding the Mexican authorities and people in possession, our forces conquered them, and extended military rule over them and the territory which they actually occupied, in lieu of the sovereignty which was displaced. It was not possible to disturb or change the practical boundary line, in the midst of the war, when no negotiation for its adjustment could be opened, and when Texas was not present, by her constituted authorities, to establish and maintain government over a hostile Mexican population who acknowledged no allegiance to her. There was, therefore, no alternative left but to establish and maintain military rule during the war over the conquered people in the disputed territory, who had submitted to our arms, or to forbear the exercise of our belligerent rights, and leave them in a state of anarchy and without control.

Whether the country in dispute rightfully belonged to Mexico or to Texas, it was our right in the first case, and our duty as well as our right in the latter, to conquer and hold it. Whilst this territory was in our possession as conquerors, with a population hostile to the United States, which more than once broke out in open insurrection, it was our unquestionable duty to continue our military occupation of it until the conclusion of the war, and to establish over it a military government, necessary for our own security as well as for the protection of the conquered people.

By the joint resolution of Congress of March 1, 1845, "for annexing Texas to the United States," the "adjustment of all questions of boundary which may arise with other governments" was reserved to this Government. When the conquest of New Mexico was consummated by our arms, the question of boundary remained still unadjusted. Until the exchange of the ratifications of the late treaty, New Mexico never became an undisputed portion of the United States, and it would therefore have been premature to deliver over to Texas that portion of it, on the east side of the Rio Grande, to which she asserted a claim. However just the right of Texas

may have been to it, that right had never been reduced into her possession, and it was contested by Mexico.

By the cession of the whole of New Mexico, on both sides of the Rio Grande, to the United States, the question of undisputed boundary, so far as Mexico is concerned, has been settled; leaving the question as to the true limits of Texas, in New Mexico, to be adjusted between that State and the United States.

Under the circumstances existing during the pendency of the war, and while the whole of New Mexico, as claimed by our enemy, was in our military occupation, I was not unmindful of the right of Texas to that portion of it which she claimed to be within her limits. In answer to a letter from the governor of Texas, dated on the 4th of January, 1847, the Secretary of State, by my direction, informed him, in a letter of the 12th of February, 1847,[1] that in the President's annual message of December, 1846, "You have already perceived that New Mexico is at present in the temporary occupation of the troops of the United States, and the government over it is military in its character. It is merely such a government as must exist under the laws of nations and of war, to preserve order and protect the rights of the inhabitants, and will cease on the conclusion of a treaty of peace with Mexico. Nothing, therefore, can be more certain than that this temporary government, resulting from necessity, can never injuriously affect the right which the President believes to be justly asserted by Texas to the whole territory on this side of the Rio Grande, whenever the Mexican claim to it shall have been extinguished by treaty. But this is a subject which more properly belongs to the legislative than the executive branch of the Government."

The result of the whole is, that Texas had asserted a right to that part of New Mexico east of the Rio Grande which is believed, under the acts of Congress for the annexation and admission of Texas into the Union as a State, and under the Constitution and laws of Texas, to be well founded; but this right had never been reduced to her actual possession and occupancy. The General Government, possessing exclusively the war-making power, had the right to take military possession of this disputed territory, and until the title to it was perfected by a treaty of peace, it was their duty to hold it, and to establish a temporary military government over it, for the preservation of the conquest itself, the safety of our Army, and the security of the conquered inhabitants.

The resolutions further request information whether any persons have been tried and condemned for "treason against the United States in that part of New Mexico lying east of the Rio Grande, since the same has been in the occupancy of our Army," and if so, before "what tribunal," and "by what authority of law such tribunal was established." It appears that after the territory in question was "in the occupancy of our Army," some of the conquered Mexican inhabitants, who had at first submitted to our authority, broke out in open insurrection, murdering our soldiers and citizens, and committing other atrocious crimes. Some of the principal offenders who were apprehended were tried and condemned by a tribunal invested with civil and criminal jurisdiction, which had been established in the conquered country

[1] See letter of Mr. Buchanan to Governor Henderson, Feb. 12, 1847, supra.

by the military officer in command. That the offenders deserved the punishment inflicted upon them, there is no reason to doubt; and the error in the proceedings against them consisted in designating and describing their crimes as "treason against the United States." This error was pointed out, and its recurrence thereby prevented, by the Secretary of War in a despatch to the officer in command in New Mexico, dated on the 26th of June, 1847, a copy of which, together with copies of all communications relating to the subject which have been received at the War Department, is herewith transmitted.

The resolutions call for information in relation to the quantity of the public lands acquired within the ceded territory, and "how much of the same is within the boundaries of Texas as defined by the act of the Congress of the Republic of Texas of the 10th day of December, 1836." No means of making an accurate estimate on the subject is in the possession of the executive department. The information which is possessed will be found in the accompanying report of the Secretary of the Treasury.

The country ceded to the United States lying west of the Rio Grande, and to which Texas has no title, is estimated by the commissioner of the General Land Office to contain 526,078 square miles, or 336,689,920 acres.

The period since the exchange of ratifications of the treaty has been too short to enable the Government to have access to or to procure abstracts or copies of the land titles issued by Spain or by the Republic of Mexico. Steps will be taken to procure this information at the earliest practicable period. It is estimated, as appears from the accompanying report of the Secretary of the Treasury, that much the larger portion of the land within the territories ceded remains vacant and unappropriated, and will be subject to be disposed of by the United States. Indeed, a very inconsiderable portion of the land embraced in the cession, it is believed, has been disposed of or granted either by Spain or Mexico.

What amount of money the United States may be able to realize from the sales of these vacant lands must be uncertain; but it is confidently believed that, with prudent management, after making liberal grants to emigrants and settlers, it will exceed the cost of the war and all the expenses to which we have been subjected in acquiring it.

The resolutions also call for "the evidence, or any part thereof, that the 'extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past.'"

The immense value of the ceded country does not consist alone in the amount of money for which the public lands may be sold. If not a dollar could be realized from the sale of these lands, the cession of the jurisdiction over the country, and the fact that it has become a part of our Union, and can not be made subject to any European power, constitute ample "indemnity for the past" in the immense value and advantages which its acquisition must give to the commercial, navigating, manufacturing, and agricultural interests of our country.

The value of the public lands embraced within the limits of the ceded territory, great as that value may be, is far less important to the people of the United States than the sovereignty over the country. Most of our States contain no public lands owned by the United States, and yet the sovereignty and jurisdiction over them is of incalculable importance to the nation. In the State of New York the United States is the owner of no public lands,

and yet two-thirds of our whole revenue is collected at the great port of that State, and within her limits is found about one-seventh of our entire population. Although none of the future cities on our coast of California may ever rival the city of New York in wealth, population, and business, yet that important cities will grow up on the magnificent harbors of that coast, with a rapidly increasing commerce and population, and yielding a large revenue, would seem to be certain. By the possession of the safe and capacious harbors on the Californian coast, we shall have great advantages in securing the rich commerce of the East, and shall thus obtain for our products new and increased markets, and greatly enlarge our coasting and foreign trade, as well as augment our tonnage and revenue.

These great advantages, far more than the simple value of the public lands in the ceded territory, "constitute our indemnity for the past."

JAMES K. POLK.

WASHINGTON, July 24, 1848.

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## TO MR. CARVALLO.[1]

DEPARTMENT OF STATE,
WASHINGTON, July 25, 1848.

SIR: In a note under date the 27th of April, last, I had the honor to inform you that the President had directed the papers relating to the pending claim on the Chilean Government in the case of the Macedonian to be referred to Ransom H. Gillett, Esq., the Solicitor of the Treasury, for his report. This he has accordingly rendered to this Department, and a copy of it is herewith communicated. The testimony on both sides appears to have been maturely and impartially weighed by Mr. Gillett. The conclusion at which he arrives is that sixty-nine thousand six hundred dollars of the value of the silver seized in the valley of Sitana belonged to citizens of the United States. In this opinion the President entirely concurs, and consequently hopes that the Chilean Government will at once make provision for the payment of the principal sum with interest from the date of the seizure. If, as is presumed to be the case, you are authorized to enter into stipulations upon the subject, I shall be happy to receive your proposals at an early day. With a view, however, to remove all cause of misunderstanding between our two governments, which have so many motives for cherishing mutual good will, it is desirable that the few other claims of citizens of the United States on the government of Chile should be included in

[1] MSS. Department of State, Notes to Chilean Legation, VI. 8; S. Ex. Doc. 58, 35 Cong. 1 Sess. 333. For the arbitration of this case, see Moore, International Arbitrations, II. 1449 et seq.

the arrangement. I should therefore be gratified to learn that your powers also extend to them.

I avail myself of this occasion, sir, to offer to you renewed assurances of my very high consideration.

JAMES BUCHANAN.

SENOR DON MANUEL CARVALLO, &c., &c., &c.

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## TO MR. CAMPBELL.[1]

DEPT. OF STATE,
26 July, 1848.

ROBERT B. CAMPBELL ESQR.
U. S. Consul, Havana.

SIR:

Your letters dated 18 May and 17th & 18th of this month have been received. I have to thank you for much valuable information which they contain.

In reply to the several enquiries made by you under date the 18th inst., I have to state,—

1. A native of the Island of Cuba, who has been naturalized in the U. S., retains his rights as an American citizen, upon his return to that Island, at least until he has manifested, by unequivocal acts, his intention to become again a Spanish subject.

2. It is very clear that a foreigner, who has merely declared his intention to become an American citizen, without having carried that intention into effect, is not an American citizen.

3. Without deciding the question whether an American citizen, by taking out a letter of domiciliation in Cuba, has forfeited his right of citizenship, I think that whilst he remains in the Island enjoying the privileges which such a letter confers, this Government is not under any obligation to protect him as an American citizen. This would seem to be clear, because, in order to obtain such letter, he must have promised under oath fidelity to her Catholic Majesty, and to the laws, "renouncing all privilege, right, and protection that he might claim as a foreigner, promising not to maintain any dependence, relation, or subjection to the country of his birth," &c. &c.

I am, Sir, respectfully,

Your obt. Servant,

JAMES BUCHANAN.

[1] MSS. Department of State, Despatches to Consuls, X. 473.

P. S. A Duplicate of an important despatch, addressed to you under date the 9th of June, is enclosed herewith. It was transmitted by me to Mr. Wood, at New York, to be forwarded to you by the earliest opportunity. Under date 10 June, he acknowledged receipt of it, and stated, that it had been placed in the letter bag of the Steamer "Guadalquivir," to sail for Havana on the 12 following. As you make no reference to it, I am apprehensive it may not have been received. If so, I will thank you to use all diligence to ascertain its fate, and obtain possession of it.

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## TO MR. CAMPBELL.[1]

Dept. of State, 27 July 1848.

R. B. Campbell Esq.
U. S. Consul, Havana.

Sir,

Your letter of the 7th inst. referring to the instructions of this Dept. in the case of John Lytle, "a free citizen of the U. S.," sold into bondage in the Island of Cuba, & announcing that through your interposition he had been restored to freedom, & sent by you to New York, has been received. Of his safe arrival at that place I have since been informed. By your faithful exertions, to accomplish so laudable an object, you have entitled yourself to the thanks of every friend of humanity; to which I, with pleasure, add the acknowledgments of the Govt. for the fidelity with which you have executed your instructions, & vindicated its character. I am happy in the reflection that the circumstances to which you refer, & which you seem to think would have justified the very extreme measures you contemplated, in case this individual was not given up, did not occur; and in reply to your enquiry on that subject, I have to state, that such a proceeding, on your part, could not have been approved by the President, because it would have been the exercise of the war making power, which belongs exclusively to Congress.

In regard to the account stated by you with John Lytle, I am not able to perceive any objection to it; and as he appears to have entrusted the management of his affairs to discreet & intelligent friends, I have no motive to interfere with it.

I am Sir &c.

James Buchanan.

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[1] MSS. Department of State, Despatches to Consuls, X. 475.

## TO THE CHEVALIER MARTUSCELLI.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27th July, 1848.

THE CHEVALIER MARTUSCELLI,
&c., &c., New York City.

SIR:

I have had the honor to receive your notes, from the City of New York, of the 31st May last and the 22nd Instant, both of which have been brought to the notice of the President.

Whilst the President has observed with deep interest the progress of events in Italy, yet, acting in accordance with the long established policy of the United States, this Government has carefully abstained from taking any part in the intestine struggles which now agitate that country. Our policy in regard to all foreign nations is peace, friendship, and neutrality, leaving to each to choose that form of Government which it may deem best adapted to promote the happiness and prosperity of its people. The President, I need not say, desires to preserve the most amicable relations with the Government of His Majesty, the King of The Two Sicilies.

In answer to the inquiry contained in your note of the 22nd Instant, I have the honor to inform you that this Government has not recognized the Independence of Sicily, nor has it yet taken the subject into consideration.

I avail myself of this occasion to offer to you the assurances of my distinguished consideration.

JAMES BUCHANAN.

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## TO MR. BANCROFT.[2]

(No. 33.) DEPARTMENT OF STATE.
WASHINGTON, 28th July, 1848.

GEORGE BANCROFT, ESQRE.,
&c., &c., &c.

SIR:

The President has watched, with much solicitude, the progress of the bill in the House of Commons to repeal the British navigation laws. At this late day, and after the subject has

[1] MSS. Department of State, Notes to Italian States Legation, VI. 106
[2] MSS. Department of State, Instructions, Great Britain, XV. 361.

been exhausted by the most powerful intellects of the age, any attempt on my part to prove their injustice and impolicy would be a work of supererogation. It is my confident belief, however, that the removal of the restrictions upon trade which these laws impose would essentially promote the welfare both of Great Britain and the United States. Commerce and navigation, relieved from the fetters which have so long restrained them, would bound forward with invigorated energy. Mutual benefits and blessings would thus be conferred upon the people of both countries, and the peace and friendship now so happily subsisting between the kindred nations would be rendered perpetual.

The President has instructed me to express his cordial approbation of your past efforts to secure the repeal of these laws, and his desire that you shall continue to use all honorable means, consistent with your position as a foreign Minister, to accomplish this most desirable object.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. MASON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 28th July, 1848.

HON. JOHN Y. MASON,
Secretary of the Navy.

SIR:

For your information I have the honor to transmit, herewith, extracts from despatches from N. Niles, Esq., Chargé d'Affaires of the U. S. in Sardinia, dated respectively the 16th ult., and the 2d inst., on the subject of the privilege granted by the Sardinian Government, of a naval depot at Spezzia, for the use of our public vessels in the Mediterranean.

I am, &c.,

JAMES BUCHANAN.

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[1] MSS. Department of State, 36 Domestic Letters, 470.

## TO MR. RAY ET AL.[1]

Dept. of State,
28 July, 1848.

Messrs. Charles B. Ray, Wm. P. Powell, Charles L. Reason, James McC. Smith, Committee, &c., &c., &c.

I have received your note of the 22d inst., requesting copies of the correspondence in this Dept. in relation to the case of John Lytle, who has been rescued from the condition of slavery in which he was unjustly held in the Island of Cuba, through the agency of our Consul at the Havana. It has been unusual to publish instructions to our foreign Agents; and I can see no good reason why an exception to the general rule should be made on the present occasion.

I have to return you my acknowledgments for the expression of your gratitude "for the ready & energetic action of the Dept. on this interesting occasion." Your kindness overrates my desert. Had I acted otherwise than I have done, I should have justly exposed myself to severe censure. When informed by a benevolent friend that a free individual of my own country, no matter of what colour, was held in bondage in a foreign land, the first dictate of duty as well as humanity was, to adopt the means necessary for his rescue. This I did with hearty good will; and I rejoice that the efficient efforts of our Consul, sustained as they were by the praiseworthy conduct of the Captain General of Cuba, were crowned with success.

I am respectfully

Your obedient servant,

James Buchanan.

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## MESSAGE OF PRESIDENT POLK

### ON A TREATY WITH PRUSSIA.[2]

[July 28, 1848.]

To the Senate of the United States:

I have received from the Senate the "convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded on the 20th of January, 1845, between the United States, on the one part, and Prussia and other States of the German Confederation, on the other part," with a copy of their resolution of the 21st of June last, advising and consenting

[1] MSS Department of State, Despatches to Consuls, X 470.

[2] Senate Executive Journal, VII. 402–404.

to its ratification, with an amendment extending the period for the exchange of ratifications until the 28th of September, 1848.

I have taken this subject into serious and deliberate consideration, and regret that I can not ratify this convention, in conformity with the advice of the Senate, without violating my convictions of duty. Having arrived at this conclusion, I deem it proper and respectful, considering the peculiar circumstances of the present case, and the intimate relations which the Constitution has established between the President and Senate, to make known to you the reasons which influence me to come to this determination.

On the 16th of December, 1845, I communicated this convention to the Senate for its consideration, at the same time stating my objections to the third article. I deemed this to be a more proper and respectful course toward the Senate, as well as toward Prussia and the other parties to it, than if I had withheld it and disapproved it altogether. Had the Senate concurred with me in opinion and rejected the third article, then the convention thus amended would have conformed to our treaties of extradition with Great Britain and France.

But the Senate did not act upon it within the period limited for the exchange of ratifications. From this I concluded that they had concurred with me in opinion in regard to the third article, and had, for this and other reasons, deemed it proper to take no proceedings upon the convention. After this date, therefore, I considered the affair as terminated.

Upon the presumption that this was the fact, new negotiations upon the subject were commenced, and several conferences were held between the Secretary of State and the Prussian minister. These resulted in a protocol signed at the Department of State on the 27th of April, 1847, in which the Secretary proposed either that the two Governments might agree to extend the time for the exchange of ratifications and thus revive the convention, provided the Prussian Government would previously intimate its consent to the omission of the third article, or he "expressed his willingness immediately to conclude with Mr. Gerolt a new convention, if he possessed the requisite powers from his Government, embracing all the provisions contained in that of the 29th January, 1845, with the exception of the third article. To this Mr. Gerolt observed that he had no powers to conclude such a convention, but would submit the propositions of Mr. Buchanan to the Prussian Government for further instructions."

Mr. Gerolt has never yet communicated in writing to the Department of State the answer of his Government to these propositions; but the Secretary of State, a few months after the date of the protocol, learned from him, in conversation, that they insisted upon the third article of the convention as a *sine qua non*. Thus the second negotiation had finally terminated by a disagreement between the parties, when, more than a year afterwards, on the 21st June, 1848, the Senate took the original convention into consideration and ratified it, retaining the third article.

After the second negotiation with the Prussian Government, in which the objections to the third article were stated, as they had been previously in my message of the 16th December, 1845, a strong additional difficulty was interposed to the ratification of the convention; but I might overcome this difficulty if my objections to the third article had not grown stronger by further reflection. For a statement of them in detail I refer you to the

accompanying memorandum, prepared by the Secretary of State by my direction.[1]

I can not believe that the sovereign States of this Union, whose administration of justice would be almost exclusively affected by such a convention, will ever be satisfied with a treaty of extradition under which if a German subject should commit murder or any other high crime in New York or New Orleans, and could succeed in escaping to his own country, he would thereby be protected from trial and punishment under the jurisdiction of our State laws which he had violated. It is true, as has been stated, that the German States, acting upon a principle springing from the doctrine of perpetual allegiance, still assert the jurisdiction of trying and punishing their subjects for crimes committed in the United States or any other portion of the world. It must, however, be manifest that individuals throughout our extended country would rarely, if ever, follow criminals to Germany, with the necessary testimony, for the purpose of prosecuting them to conviction before German courts for crimes committed in the United States.

On the other hand, the Constitution and laws of the United States, as well as of the several States, would render it impossible that crimes committed by our citizens in Germany could be tried and punished in any portion of this Union.

But if no other reason existed for withholding my ratification from this treaty, the great change which has recently occurred in the organization of the Government of the German States would be sufficient. By the last advices we learn that the German Parliament, at Frankfort, have already established a federal provisional Executive for all the States of Germany, and have elected the Archduke John of Austria to be "Administrator of the Empire." One of the attributes of this Executive is "to represent the Confederation in its relations with foreign nations, and to appoint diplomatic agents, ministers, and consuls." Indeed, our minister at Berlin has already suggested the propriety of his transfer to Frankfort. In case this convention with nineteen of the thirty-nine German States should be ratified, this could amount to nothing more than a proposition on the part of the Senate and President to these nineteen States who were originally parties to the convention to negotiate anew on the subject of extradition. In the meantime a central German Government has been provisionally established, which extinguishes the right of these separate parties to enter into negotiations with foreign Governments on subjects of general interest to the whole.

Admitting such a treaty as that which has been ratified by the Senate to be desirable, the obvious course would now be to negotiate with the General Government of Germany. A treaty concluded with it would embrace all the thirty-nine States of Germany, and its authority being coextensive with the Empire, fugitives from justice found in any of these States would be surrendered up on the requisition of our minister at Frankfort. This would be more convenient and effectual than to address such separate requisitions to each of the nineteen German States with which the convention was concluded.

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[1] The substance of the memorandum is embodied in this message. See, also, the message of Dec. 16, 1845, supra

I communicate herewith, for the information of the Senate, copies of a despatch from our minister at Berlin, and a communication from our consul at Darmstadt.

JAMES K. POLK.

WASHINGTON, July 28, 1848.

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## MESSAGE OF PRESIDENT POLK

### ON THE INSTRUCTIONS TO MESSRS. SEVIER AND CLIFFORD.[1]

[July 28, 1848.]

TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

In answer to the resolution of the House of Representatives of the 17th instant, requesting the President "to communicate (if not inconsistent with the public interests) copies of all instructions given to the Hon Ambrose H. Sevier and Nathan Clifford, commissioners appointed to conduct negotiations for the ratification of the treaty lately concluded between the United States and the Republic of Mexico," I have to state that, in my opinion, it would be "inconsistent with the public interests" to give publicity to these instructions at the present time.

I avail myself of this occasion to observe that, as a general rule, applicable to all our important negotiations with foreign powers, it could not fail to be prejudicial to the public interest to publish the instructions to our ministers until some time had elapsed after the conclusion of such negotiations.

In the present case the object of the mission of our commissioners to Mexico has been accomplished. The treaty, as amended by the Senate of the United States, has been ratified. The ratifications have been exchanged, and the treaty has been proclaimed as the supreme law of the land. No contingency occurred which made it either necessary or proper for our commissioners to enter upon any negotiations with the Mexican Government further than to urge upon that Government the ratification of the treaty in its amended form.

JAMES K. POLK.

WASHINGTON, July 28, 1848.

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## TO MR. HOPKINS.[2]

(No. 6.) DEPARTMENT OF STATE.

WASHINGTON, 29th July, 1848.

GEORGE W. HOPKINS, ESQRE.,

&c., &c., Lisbon.

SIR:

On the day my last despatch to you, of the 27th ultimo, was mailed, I received information from the Secretary of the Navy,

[1] H. Ex. Doc. 75, 30 Cong. 1 Sess.

[2] MSS. Department of State, Instructions, Portugal, XIV. 104.

to whom I had referred your despatch No. 7. of the 29th of May, to the effect that orders had been given to the Commander of our Squadron in the Mediterranean to take an early occasion to direct one of the ships under his command to touch at the port of Lisbon.

Your despatch No. 8. of the 29th ultimo. was received here on the 24th instant.

By a Resolution of the Senate, dated the 24th April, the correspondence and papers in the case of the claim of the owners of the Ship "Miles" have been called for. The answer to this call is now ready, and will be communicated with the documents in a few days. Among the papers proposed to be sent on the occasion, was a letter (with enclosures,) from Mr. H. G. O. Colby to the Department, dated 20th July, 1843; a copy of which was transmitted to Mr. Rencher, in a despatch of the 18th October, of that year, numbered 2. The original of Mr. Colby's letter, and its enclosures, not being found on file in the Department, are presumed to have been withdrawn, or transmitted to your Legation; in which latter event you will be good enough to return them hither, to be placed on file, and used, if occasion should require, retaining the copies in the Legation. A knowledge of the fact of the Senate's call for information respecting this case will be useful to you in any communications you may have to make upon the subject to the Portuguese Minister of Foreign Affairs.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. NILES.[1]

(No. 4.) DEPARTMENT OF STATE.
WASHINGTON, 29th July, 1848.

NATHANIEL NILES, ESQR.,
&c., &c., Turin.

SIR:

I wrote to you on the 28th ultimo, and I have to acknowledge the receipt since then of your despatches, Nos. 3, 4, and 5. Extracts have been made from the two last, and communicated to the Secretary of the Navy, on the subject of the permission

[1] MSS. Department of State, Instructions, Italy, I. 55.

granted by Sardinia to establish a Naval Depot at Spezzia, for the use of our public ships.

I had the pleasure yesterday to receive Mr. Mossi in the character of Chargé d'Affaires of Sardinia.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. SAUNDERS.[1]

(No. 21 [23].) DEPARTMENT OF STATE,
WASHINGTON, 29th July, 1848.

ROMULUS M. SAUNDERS, ESQRE.,
&c., &c., &c.

SIR:

I have had the honor to receive your despatch of the 12th ultimo, numbered 34, and that of the 27th ultimo, numbered 35.

I received, by the same mail which brought the latter, a letter from Mr. Sawyer, dated the 6th instant, announcing his arrival in London, and his determination to proceed immediately to Madrid. It is supposed that, before this reaches you, he will have entered upon the duties of Secretary of Legation.

In regard to the Cemetery at Barcelona, the President is of opinion that he cannot lawfully apply the fund for the "contingent expenses of foreign intercourse" towards its improvement. The object, however, is laudable; and should the other Governments mentioned have furnished to their Consuls the allotted amounts, there is no doubt that Congress, at its next Session, would enable me to transmit to our Consul the 1000 francs apportioned to this Government. It may be necessary to obtain a general authority from Congress upon the subject; and I should be glad to learn at how many places in Spain it might become necessary to ask our aid in improving Cemeteries for American Citizens.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Spain, XIV. 254.

## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE.
WASHINGTON, 31st July, 1848.

TO THE PRESIDENT OF THE UNITED STATES.

The Secretary of State, to whom has been referred the Resolution of the Senate of the 28th Inst., requesting the President to communicate to that Body, "in confidence, if not inconsistent with the public interest, what steps, if any, have been taken by the Executive to extinguish the rights of the Hudson Bay and Puget Sound Land Company, within the Territory of Oregon, and such communications, if any, which may have been received from the British Government in relation to this subject,"—has the honor to report to the President the accompanying copies of papers, in answer to the resolution above cited.

Respectfully submitted.

JAMES BUCHANAN.

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## TO MR. WALKER.

DEPARTMENT OF STATE.
WASHINGTON, 31st July, 1848.

HON. R. J. WALKER,
Secretary of the Treasury.

SIR:

I have the honor to communicate, for the purpose of being placed on file in the Treasury Department, a copy of despatch No. 15, under date the 2d inst., addressed to this Department by Mr. Clifford, U. S. Commissioner in Mexico, relative to the payment to the Mexican Government of the three millions of dollars pursuant to the provisions of the Act of Congress approved 3d March, 1847, entitled "An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion." The original papers which accompanied the despatch are also herewith communicated.

I have the honor, &c.,

JAMES BUCHANAN.

[1] MSS Department of State, Report Book, VI. 271. This report was communicated by President Polk to the Senate, July 31, 1848. (Senate Executive Journal, VII 466.)

[2] MSS. Department of State, 30 Domestic Letters, 471.

## TO MR. BUTLER.[1]

DEPARTMENT OF STATE,
WASHINGTON, 2d August, 1848.

BENJAMIN F. BUTLER, ESQ.,
Attorney of U. S. for Southern District
of New York—N. Y. City.

SIR:

I have heard nothing for some time of the case of Metzger. Will you be good enough to inform me when it will probably be decided by the Supreme Court of New York? I am very anxious to have it finally determined by the Supreme Court of the U. S. at an early period of their next session, in case the decision of your Supreme Court should affirm that of Judge Edmonds.

Mr. Poussin, the French Minister, has arrived in this city, and from the great interest felt by his Government in the question, I have no doubt he will embrace an early opportunity to ascertain what is its present condition.

Yours very respectfully,
JAMES BUCHANAN.

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## TO MISS LANE.[2]

WASHINGTON 2 August, 1848.

MY DEAR HARRIET/

I have this moment received your letter of the 30th ultimo & hasten to give it an answer. I regret very much that you are not pleased with Rockaway. You went there for the benefit of your health, under the advice of physicians, & I should be very sorry you should leave it without giving sea bathing a fair trial.

It is entirely out of the question for me to accompany you on a tour to West Point, Niagara, Boston, &c. If I should be able to leave Washington at all, I cannot go to any place from which I could not immediately return in case of necessity. I require rest & quiet. Besides, *under existing circumstances* which I need not explain, I could not visit the States of New York & Massachusetts, unless it might be to pass through them quietly

[1] MSS. Department of State, 36 Domestic Letters, 473.

[2] Buchanan Papers, private collection. Printed, with some inaccuracies, in Curtis's Buchanan, I. 541.

& rapidly. It is possible, if the weather should be suitable, towards the close of August that I may go to Saratoga for a few days; but my movements are altogether uncertain.

I am much gratified that you have acquitted yourself so handsomely, as to obtain medals & premiums; & under other circumstances, I should cheerfully accompany you on your travels. It is possible that I may take you to West Point.

Miss Hetty is gradually but slowly recovering. Please to remember me very kindly to Mrs. Bache, Mrs. Walker, & the ladies, and believe me to be

Yours affectionately,

JAMES BUCHANAN.

MISS HARRIET LANE.

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## TO MR. DONELSON.[1]

(No. 17.) DEPARTMENT OF STATE,
WASHINGTON, 3rd August, 1848.

A. J. DONELSON, ESQRE.,
&c., &c., &c.

SIR:

I transmit you, herewith, two printed copies of the President's message and my memorandum on the subject of the Convention of Extradition with Prussia and the other German States. These documents will sufficiently explain themselves.

The Convention was most unexpectedly taken up, and, in the hurry of business, suddenly acted upon by the Senate; and no doubt is entertained that the views presented by the President in his message will receive the approbation of the members of that Body.

The President desires that you shall make the necessary explanations to the Prussian Government, and assure them, in the strongest terms, of his continued desire to cultivate the most friendly relations with Prussia. He felt constrained to withhold his ratification from the Convention, because it introduced a new principle into our Treaties of Extradition, to which he could not, under an imperative sense of duty, give his approbation.

I ought to observe that the President, in his message, has

[1] MSS. Department of State, Instructions, Prussia, XIV. 126.

committed a mistake in stating, that "Mr. Gerolt has never yet communicated in writing to the Department of State the answer of his Government to these propositions," &c. This mistake originated in the Department of State. The fact is, that Baron Gerolt did, in a note of the 20th May, 1847, communicate to this Department that the Prussian, and other German Governments, could not abandon the Third Article of the Convention. This mistake, as soon as it was discovered, was made known to the Chairman of the Committee of Foreign Relations of the Senate.

I think you may calculate, with much confidence, that, in the course of the next week, you will be appointed Envoy Extraordinary and Minister Plenipotentiary to the Germanic Confederation. It is not intended, by this appointment, to annul your present Commission. On the contrary, you will remain Envoy Extraordinary and Minister Plenipotentiary to Prussia, until it shall be ascertained that the Prussian Government has been definitively deprived of the power to enter into negotiations with Powers beyond the limits of Germany. This course is due to the sincere respect which the President entertains for the Prussian Government, and his desire to act towards it in the most kind and deferential manner.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO THE SENATE.[1]

[August 3, 1848.]

TO THE SENATE OF THE UNITED STATES.

The Secretary of State has the honor to transmit to the Senate, in compliance with a Resolution adopted by it on the 29th ultimo, "a copy of the *Joint Report* of the Commissioners under the Treaty of Washington, of August 9, 1842, together with a copy of the report of the American Commissioner transmitting the same to the State Department."

JAMES BUCHANAN.

DEPARTMENT OF STATE,
WASHINGTON, 3rd August, 1848.

[1] MSS. Department of State, Report Book, VI. 272; S. Ex. Doc. 71, 30 Cong. 1 Sess 1.

## TO A. LINCOLN ET AL.[1]

DEPARTMENT OF STATE,
WASHINGTON, 5th August, 1848.

MESSRS. A. LINCOLN and JAMES H. THOMAS,
House of Representatives.

GENTLEMEN:

I have the honor to acknowledge the receipt of your letter of yesterday, requesting copies, in English, of the Conventions entered into by Santa Anna with Texas, and referred to in his letter to President Jackson which is published in Senate document No. 84, 2d Session, 24th Congress. In reply, I have the honor to inform you that it is not in the power of this Department to comply with your request. The Clerk who had charge of the business at the time states that Santa Anna's letter to President Jackson was never on file in the Department except for the purpose of being translated; that it was returned to the President when the translation was completed, and that he has no recollection of having seen the copies of the treaties referred to in the letter.

I have the honor, &c.,

JAMES BUCHANAN.

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## TO MR. DONELSON.[2]

(No. 18.) DEPARTMENT OF STATE,
WASHINGTON, 7th August, 1848.

A. J. DONELSON, ESQRE.,
&c., &c., &c., Berlin.

SIR:

The President has this day nominated you to the Senate as Envoy Extraordinary and Minister Plenipotentiary to the Federal Government of Germany; and no doubt is entertained that your nomination will be confirmed before the termination of the Session. This will end on the 14th instant.

In making this nomination, the President does not intend that you shall remove your residence from Berlin to Frankfort. During the transition state of Germany from separate and independent Sovereignties to a Federal Union, the Prussian Mission will

[1] MSS. Department of State, 30 Domestic Letters, 471.
[2] MSS. Department of State, Instructions, Prussia, XIV, 127.

remain upon its present footing; and there is no intention to withdraw it, unless the power of Prussia to negotiate with foreign Governments shall be abolished by the definitive Constitution of Germany. This determination, on the part of the President, is due to the respect which he entertains for the Prussian Government, and his sincere desire to perpetuate the friendly relations which have been maintained between Prussia and the United States ever since the termination of our Revolutionary War. Before you leave Berlin for Frankfort, where the public interest now demands your presence, you will take care to present the views of the President on this subject to the Prussian Minister for Foreign Affairs. After the final establishment of the Germanic Constitution, should it still be necessary to preserve diplomatic relations with Prussia, the President will then decide whether you shall remain in your present position, or be permanently transferred to Frankfort. In the mean time your necessary personal expenses, of which you will keep an account, in travelling to and from Frankfort, and whilst you shall find it necessary to remain there, will be paid out of the fund to defray the contingent expenses of foreign intercourse.

I shall send your Commission to Frankfort; presuming that when it shall arrive you will be in that city. With it, I shall transmit you instructions. In the mean time, it is important that you should watch carefully the progress of the Bill to establish a uniform Tariff for Germany, and use your best endeavors to have their transit duties abolished, and the duties on our important articles of export fixed at a reasonable rate. For this purpose, you can avail yourself of the information and services of Messrs. Mann and Graebe, which I have no doubt they will cheerfully render, should they be in Frankfort. We already owe much to the great ability and persevering vigilance of the former, whilst we are indebted to the latter for a regular and faithful account of the proceedings of the German Parliament, with observations evincing strong practical good sense. His despatch of the 10th July was communicated to the Senate with your nomination; and I desire that you should make this fact known to him.

Should you have reached Frankfort upon the arrival of this Despatch, you will immediately address a note to the Prussian Minister for Foreign Affairs, embodying the views of the President in reference to your continuance as Minister to Prussia.

As you will represent your country both at Berlin and

Frankfort, it would be highly acceptable to the President if the two Governments established in these cities should be represented by Baron Gerolt at Washington.

My two last despatches to you were dated on the 24th ultimo and 3rd instant. I have now to acknowledge the receipt of your despatches Nos. 92 and 93, of the 5th and 8th ultimo.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. CLIFFORD.[1]

(No. 2.) DEPARTMENT OF STATE.
WASHINGTON, 7th August, 1848.

To N. CLIFFORD, ESQUIRE,
&c. &c. &c.

SIR:

The despatches from your Legation to No. 19, inclusive, have been received.

The President, by and with the advice and consent of the Senate, has appointed you Envoy Extraordinary and Minister Plenipotentiary to the Mexican Republic. I herewith transmit your Commission with a sealed letter of credence to the President of that Republic and an open copy of the same. You will communicate the copy to the Minister for Foreign Affairs, with a note requesting him to inform you when you may present the original to the President in person. After you shall have been received by the Mexican Government under your new commission, the President is willing that you shall visit the United States in compliance with the request contained in your number 16. The time of your departure from Mexico is left to your own discretion, in view of the important interests entrusted to your charge. You will present Mr. Walsh to the Minister for Foreign Affairs as Chargé d'Affaires ad interim.

The President knows that you will absent yourself from your post no longer than may be consistent with your duty, to make "suitable provision for the permanent comfort and happiness of your family." There has been, as you are aware, no period in the history of our relations with Mexico when it was

[1] MSS. Department of State, Instructions, Mexico, XVI 100.

more important than at the present moment to have our country ably represented at the capital of that Republic. The irritation of feeling arising out of the late and to the Mexicans disastrous war ought to be soothed; the machinations of foreign governments injurious to the United States ought to be counteracted, and the Mexican Government ought to be persuaded to abandon their absurd and unreasonable tariff. These are important objects of your mission, requiring your personal attention. If you can succeed in accomplishing them, you will acquire and deserve the gratitude of your country.

In the present distracted state of Mexico, the Department will expect to learn regularly the progress of events from your Legation, and you will enjoin the performance of this duty on Mr. Walsh during your absence.

Your despatch No. 14, of the 27th June, was not received from Señor Arrangoiz until the 3d instant. On the same day he called at the Department, presented his credentials, and informed me of the object of his mission. He said it was the desire of the Mexican Government that the United States should furnish to Mexico three or four thousand troops, to be employed, in the first place, against the Indians of Yucatan, and, if need be, against the Indians of other portions of Mexico. In case of necessity, they would, also, be employed to sustain the present government against the revolutionists. He proposes that they should receive from Mexico the same pay and rations as troops of the United States, and in all other respects should be placed on the same footing, and is willing that the next instalment of three millions under the Treaty due on the 30th May, 1849, should be applied to this purpose.

His verbal propositions have been submitted to the President in Cabinet Council, and after full consideration they were decided to be impracticable. Such an arrangement, in order to bind Mexico, must assume the form of a Treaty and be submitted to the Senate; and it is very certain that two-thirds of that body would not at present advise and consent to its ratification. But even if their concurrence were probable, there is not now time before the close of the session, (Monday the 14th instant) to have the question discussed and decided by that body.

The President himself, as you are aware, does not possess the power to employ the army beyond the limits of the United States, in aid of a foreign country, without the sanction of the Treaty-making or war-making power; and it is morally certain

that neither the one nor the other could be obtained under existing circumstances.

Besides, to employ the army in this manner would be contrary to our established policy not to interfere in the domestic concerns of foreign nations, and this ought not to be violated unless under extraordinary circumstances.

Even if all other difficulties could be overcome, Congress would have to raise additional troops for the purpose. The present army of the United States, since the discharge of the ten regiments and the volunteers, is barely sufficient for the necessary service at home.

I have this morning had a conversation with Señor Arrangoiz, and communicated to him these views of the President on the subject of his mission. He appeared to be satisfied that it was impossible to accomplish the object during the present session of Congress; but he expressed a hope that something might be done at the next session in case the situation of Mexico should then require our aid.

The President and the people of the United States sincerely desire to maintain the most amicable relations with Mexico. They cordially wish that the present government may be able to sustain itself against its enemies, and they deprecate the success of Paredes. This would again commence the unfortunate career of revolution which Mexico has so long pursued with such disastrous consequences, and I fear would end in dismemberment and total anarchy. The pacific and eminently patriotic character of President Herrera affords a sure pledge for the prosperity of Mexico, should he be able to retain his power, and all our feelings are enlisted in his favor. It is therefore with painful reluctance that the President feels himself constrained to decline his request, at least for the present. You are instructed to explain in the most friendly manner the reasons of this refusal, and make them as acceptable as possible. It is hoped from the news received this morning of the defeat of Paredes and the capture and execution of Jarauta, that Mexico may not require foreign aid.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO MR. SHIELDS.[1]

(No. 26.) DEPARTMENT OF STATE,
WASHINGTON, 7th August, 1848.

To B. G. SHIELDS, ESQUIRE,
&c. &c. &c.

SIR:

I transmit a copy of two communications addressed to this Department, one by the Minister for Foreign Affairs of Venezuela, under date the 6th of May, last, and the other by Mr. Crampton, Her Britannick Majesty's Chargé d'Affaires at Washington, under date the 29th June. The view which I have taken of the first of these communications will appear from my answer to Mr. Acevedo's note, a transcript of which is also enclosed. You will perceive that I have not acknowledged either the general charges preferred against you, or the expunging of the passage in the note to which he refers, to be true in point of fact. In regard to the latter I certainly could have taken no other course, for you have yourself been silent upon the subject. It is presumed, however, that the incident may have been correctly stated. If so, I regret that you should have so far placed yourself in the power of Mr. Acevedo as to have afforded him occasion to make the representation.

The plain duty of diplomatic agents of the United States is scrupulously to abstain from interfering in the domestic politics of the countries where they reside. This duty is specially incumbent on those who are accredited to governments mutable in form and in the persons by whom they are administered. By taking any open part in the domestic affairs of such a foreign country, they must sooner or later render themselves obnoxious to the Executive authority, which cannot fail to impair their usefulness.

It is probable that Mr. Acevedo may have exaggerated the more general charges against you contained in his note. If, however, there should have been any ground for them, it would be a matter for just regret. There certainly can be no doubt that your future conduct will afford no occasion to repeat them, whatever may be the party or the persons in authority in Venezuela.

Mr. Acevedo, it appears, has communicated to Mr. Wilson, the British Chargé d'Affaires at Caracas, that you had informed

[1] MSS. Department of State, Instructions, Venezuela, I. 72.

him that your "Government is convinced that England was at the bottom of the resistance opposed by Mexico to the just demands of the United States, and that but for her intrigues there would have been no war between the two countries, for which in point of fact she is entirely responsible; that the government of the United States has recently obtained documentary evidence of the fact, and that it is determined to watch and frustrate the intrigues and designs of England against the independence and prosperity of the Spanish American States." If you communicated such information to Mr. Acevedo, it was not only highly impolitic, considering that his known feelings in regard to yourself rendered it morally certain it would be made known to Mr. Wilson, but it was incorrect in point of fact. This Government possesses no such documentary or other evidence of the alleged interference on the part of Great Britain. On the contrary, we have reason to believe, whatever may have been our conjectures before the commencement of the war with Mexico, that the British Government exerted itself to bring about a Treaty of Peace.

It is true that we shall ever watch with a jealous eye the movements of Great Britain as well as those of all other European powers on this continent. We have reason to be dissatisfied with her conduct on the Mosquito Coast under the pretext of being the protector of the King and Kingdom of the Mosquitos, and especially with her capture of the port of St. Juan de Nicaragua. We have sent a Chargé d'Affaires to Guatemala who has been instructed to collect and communicate to the Department full and accurate information on this subject. When we receive his report, the President will determine what measures it may be proper to adopt for the purpose of defeating her designs.

Under these circumstances, our true policy requires that we should be prudent and cautious as well as firm and decided. If we have complaints to make, these ought to be made to the British Government, and not through our diplomatic agents to the functionaries of other Governments having no direct interest in the question.

I have no doubt that Mr. Acevedo's statements have been exaggerated throughout, and shall await your explanations with much interest.

From anything I have said in this despatch, you will not infer that you are not to keep a watchful eye upon the intrigues of the British government in Venezuela, if any such exist, and communicate full information of them to the Department.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO THE VENEZUELAN MINISTER FOR FOREIGN AFFAIRS.[1]

DEPARTMENT OF STATE,
WASHINGTON, 7th August, 1848.

TO HIS EXCELLENCY, THE MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF VENEZUELA.

The Undersigned, Secretary of State of the United States, has had the honor to receive two copies of the note addressed to him, under date the 6th of May, last, by His Excellency the Minister for Foreign Affairs of the Republic of Venezuela, one of them through General Herran, the Envoy Extraordinary and Minister Plenipotentiary of the Republic of New Granada, accredited to this Government, and the other through Mr. F. Corvaia. This note has been laid before the President, who has directed the Undersigned to reply to the same. Its account of recent events in Venezuela has been read with painful interest. The comparative exemption of that Republic from those convulsions which have done so much towards hindering the progress of other Spanish American States was enough to inspire hopes that her prosperity might not be thwarted or retarded by similar causes. The Undersigned will not say that the circumstances mentioned by the Minister for Foreign Affairs should dissipate those hopes, but the fact that civil war exists in a neighboring and friendly Republic, whatever may be its origin or purposes, will always be deplored by the United States, who desire that all nations living under free governments should be tranquil at home and at peace with the rest of the world.

After concluding his narrative, the Minister for Foreign Affairs says it had been announced that Señor Juan Manuel Manrique, formerly Minister for Foreign Relations of Venezuela, had gone to the United States in quest of assistance for the insurgents in that Republic, and requests that this government would not suffer any expedition to be organized or any assistance to be obtained in this country for the purpose of carrying on hostilities against the existing government of Venezuela. The Minister for Foreign Affairs is aware that as the government of the United States is founded on law, none of its authorities can do any act which the law does not direct or allow. There is, how-

[1] MSS. Department of State, Communications to Foreign Sovereigns and States, III. 75.

ever, a law of the United States which is believed to be adequate to the objects desired by the Minister for Foreign Affairs. The special attention of the Attorneys of the United States at those points where offences against this law were most likely to be committed has accordingly been called to its execution, as will appear from the Circular to those officers, a copy of which is enclosed.

The Minister for Foreign Affairs closes his communication with a complaint against Mr. Shields, the Chargé d'Affaires of the United States at Caracas, for indulging in partiality towards the adversaries of the Executive of Venezuela, and specifies an expression in a note addressed to him by Mr. Shields as having been so offensive that the latter felt himself obliged to suppress it.

This complaint has given the President much pain. In transacting the business of his mission, Mr. Shields had displayed intelligence and industry amply sufficient to justify those favorable anticipations which led to his appointment. If he has taken any part in the local politics of Venezuela, the Minister for Foreign Affairs may be assured that he has not acted in conformity to instructions from this government, which can never approve of such a course in its diplomatic agents abroad, as it would not be tolerated in the representatives of other countries in the United States. In stating, however, that Mr. Shields arrived in Venezuela when the Executive Power of that Republic was in the hands of persons by whom it is now opposed, and with whom he necessarily contracted friendships, the Minister for Foreign Affairs affords an explanation if not a justification for the bias on the part of that gentleman of which he complains. The President, however, is confident that he has not intentionally performed any act which he supposed to be incompatible with his whole duty, in the discharge of which he has been actuated by an exemplary zeal, and that if through inadvertence he should have been indiscreet, he has no doubt his conduct for the future will be entirely satisfactory to the Venezuelan Government. This Department has accordingly addressed an instruction to him upon the subject.

The Undersigned avails himself of this occasion to offer to His Excellency the assurance of his most distinguished consideration.

JAMES BUCHANAN.

## TO MR. ABELL.[1]

DEPARTMENT OF STATE,
WASHINGTON, 8th August, 1848.

ROLLIN ABELL, ESQ.,
Boston.

SIR:

I have to acknowledge the receipt of your letter of the 4th instant, upon the subject of the claim on the Chilean Government in the case of the brig Warrior. The amount allowed by that Government for the detention of the vessel was $15,000, payable with interest in seven annual instalments. These have all been paid.

The indemnification was claimed by, and the first instalment was paid to, Thomas T. Bloodgood, of New-York, Administrator of Thomas Bloodgood, deceased, as the sole owner of the "Warrior." The subsequent instalments have been paid to that gentleman and the Revd. William Patton, upon an agreement between them, filed in the Department, by which the former admitted that the latter had an equitable right to one moiety of the amount allowed.

I am, Sir, very respectfully,
Your obedient servant,
JAMES BUCHANAN.

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## FROM MR RUSH.[2]

*Private.* PARIS August 8. 1848.

DEAR SIR,

An incident has occurred here giving me much concern, which I must ask leave to explain to you in this unofficial letter, that as well the President as yourself may personally know what I have done in regard to it; and also other friends in the government whom I value.

The newspapers some time ago apprized me that our national Democratic convention had passed certain congratulatory Resolutions which I was to deliver to the National Assembly here. I had the hope that they might not reach me. They did, however, but never until about ten days ago, through Mr. Hallett of Boston, and I enclose a copy of the answer I wrote him.

It will be seen that I felt compelled to decline delivering them; and greatly pained should I be if it could be thought that in this act I have

[1] MSS. Department of State, 37 Domestic Letters, 1.
[2] Buchanan Papers, Historical Society of Pennsylvania.

wanted a proper respect or right feeling for the party in our country of which I am one. But how could *I*, the minister of the United States, deliver these Resolutions, being, as they are, exclusively of a party nature—however good as such?

Would the National Assembly of this great country receive in proper form any thing of the kind from a source less than our whole nation?

Could the National Assembly respond to such Resolutions, which, besides coming from a body representing only one party in the United States, ceased to exist immediately after it had passed the Resolutions?

When I have presented any thing proceeding from the President or yourself, our whole nation has spoken. I have known where I stood.

But if I had become the channel of presenting these Resolutions, directly or indirectly, would not the dignity of our democratic convention have been compromised, supposing the National Assembly to have declined receiving or answering them; or not to have answered them as might have been wished? Were these risks to have been run?

I sincerely hope that our friends may not complain of my course. With all that I see and know here, I have the deep conviction that for me to have presented the Resolutions in any way, either to the National Assembly or Executive government, would have been an injudicious step all round; I mean as well for me, as Minister, as for our National convention.

The recent successes of the Austrians in Italy have created much anxiety here. *England* has not yet acknowledged this Republic, though other states are now beginning to do so; but Mr. De Beaumont was yesterday appointed minister to London (not ambassador) and will go there immediately—perhaps to day or to-morrow! So I was told at a party where I was last night, and where there were some prominent members of the Assembly. De Beaumont is a member. The present government in France does not at all desire war; and the new minister, who is among that class of the French rather well disposed towards England, and only a Republican *of the day after*, goes over the channel thus speedily to join England in friendly counsels with Austria and Sardinia for peace on terms that both countries might accept, and thus save Europe from a general war. This is what I hear from a source I deem pretty good, though I have not as yet heard it from this government direct.

It is now confidently expected that the new constitution will be reported to the Assembly next week, by the Bureaus.

I will write you an official communication soon on the tobacco question, which I trust you will feel sure I have not forgotten, but on the contrary have had constantly in my mind.

I pray you, my dear Sir, to believe me always very sincerely and respectfully

Yours

RICHARD RUSH.

HON: JAMES BUCHANAN.

## TO THE HOUSE OF REPRESENTATIVES.[1]

[August 12, 1848.]

To the House of Representatives of the United States:

The Secretary of State, in answer to the Resolution of the House of Representatives of the 21st of December, last, which is in the following words: "Resolved, That the Secretary of State report to this House the state of the claims of Aaron Leggett on the Government of Mexico, decided under the Convention of the 11th April, 1839, and such action as may have been had and the papers relating thereto in the Department of State, since the report upon them of the Committee on Foreign Affairs in August, 1842, referring them for further consideration to the Executive branch of the Government"—has the honor to communicate the papers mentioned in the subjoined list, which contain all the information on the subject of the Resolution in the possession of this Department.

From these documents it will appear that Mr. Leggett's claims are in the same condition they were at the date of the report in relation to them to the Committee on Foreign Affairs, in August, 1842.

Respectfully communicated.

James Buchanan.

Department of State.
Washington, 12th August, 1848.

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## TO MR. CLIFFORD.[2]

(No. 4.) Department of State,
Washington, 15th August, 1848.

To Nathan Clifford, Esquire,
&c. &c. &c.

Sir:

In your despatch No. 18, you inquire, are articles imported previously or subsequently to the exchange of the ratifications of the Treaty, but which have been transported out of the State

[1] MSS. Department of State, Report Book, VI. 273; H. Ex. Doc. 83, 30 Cong. 1 Sess. 1.

[2] MSS. Department of State, Instructions, Mexico, XVI. 105.

in which they were, liable to or exempt from the operation of the local revenue system of the country?

The third article of the Treaty stipulates that immediately after its ratification by both parties, the Government of the United States shall despatch orders for the delivery of the Mexican Custom Houses to such persons as the Mexican Government may authorise to receive them. But it was foreseen that duties on imports might be collected in these ports by the United States after the ratification of the Treaty by both parties and before the delivery of the Custom Houses to the Mexican authorities. Which party was to receive the benefit of these duties? The third article of the Treaty very properly answers, the Mexican Government. It would have been unjust that they should be injured in consequence of the delay which it was foreseen might occur between the final conclusion of peace and the surrender of the Custom Houses. But in addition to these duties, the Treaty liberally surrenders to the Mexican Government "all bonds and evidences of debt for duties on importations and exportations not yet fallen due" at the time of the delivery of the Custom Houses to the Mexican authorities.

In this state of the case, what would be equal and exact justice between the parties in regard to the disposition of the goods imported into Mexico previously to the surrender of the Custom Houses? These ought to be placed on precisely the same footing as though they were imported and had paid duties under the Mexican tariff. In accordance with this principle, the first clause of the nineteenth article provides that all imports previously to the restoration of the Custom Houses shall be exempt from confiscation, even "although the importation of the same be prohibited by the Mexican tariff." This covers the case of tobacco and other prohibited articles.

But goods thus imported before the restoration of the Custom Houses might remain at the port of importation, or they might have been removed to some "place in the interior whilst such place was in the occupation of the forces of the United States." The Treaty explicitly provides for both cases.

1. The third clause of the nineteenth article declares that such goods as may then remain at the place of importation shall, during their continuance there, and upon their leaving that place for the interior, "be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof."

2. In case any such goods had been removed from the port of importation to a place "in the occupation of the forces of the United States," the fourth clause of the 19th Article of the Treaty provides that they "shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination."

In all cases, however, where goods thus imported are removed from the place of importation or from the place where they may be found, to another place in Mexico, "they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace through the maritime Custom Houses, and had there paid the duties conformably with the Mexican tariff."

It appears to me that this plain provision of the Treaty answers both your questions. Goods imported into Vera Cruz before the 30th May, last, and transported to the City of Mexico, after its evacuation by our troops, are not "exempt from the internal revenue system of the Federal District." And the same rule applies, *a fortiori,* to goods imported into Vera Cruz after the 30th May, last, and before the restoration of the Custom Houses.

The second clause of the nineteenth Article of the Treaty, and the twentieth article, provide for a contingency which has never occurred. They stipulate for goods imported between the time that might elapse from the restoration of the Custom Houses and the third of April, 1848, the termination of the sixty days after the signature of the Treaty.

The Treaty provides, then, for three cases. 1. At the place of importation the goods may be freely sold without tax or duty, and if removed thence, they are equally exempt from tax or duty on their removal.

2. If they had been removed to any place in the interior, "whilst such place was in the occupation of the forces of the United States," there they may be freely sold without tax or duty.

3. But all goods whatever which may be removed, either from the port of importation or from places which had been occupied by the forces of the United States, to other places, are liable to pay the same taxes and duties upon their introduction into these places as goods imported under the Mexican laws.

I transmit a copy of a private letter of yesterday, addressed to me by John Parrott, Esquire, United States Consul for Mazatlan, who is now in this City. It is understood that Mr. Parrott has a quantity of tobacco at Vera Cruz which was imported previously to the restoration of the Custom House there to the Mexican authorities, and he has been informed that they object to its removal into the interior. I am very clearly of opinion that the Treaty authorises him to transport his tobacco, as is his purpose, to the City of Mexico. The nineteenth article embraces all merchandise imported previously to the restoration of the Custom Houses, "although the importation of the same be prohibited by the Mexican Tariff." The United States would have acted an unjust part towards the importers in admitting merchandise prohibited by the Mexican Tariff, and receiving duties upon it, had they failed to make such provisions in its favor as those contained in the nineteenth article of the Treaty.

Copies of the communication of Commodore Jones and of the two notes of the Mexican Minister for Foreign Affairs to yourself, dated the 6th and 10th July, last, respectively, the two last complaining of violations of the 3d and 4th articles of the Treaty, will be referred to the Secretaries of War and of the Navy. It is to be regretted, however, that you did not at once obtain the necessary information yourself from Commodore Jones and our Consul at Tampico, and make a satisfactory arrangement of these small affairs with the Mexican Government. Your reference of these notes to the Department and the intention which you announce of not answering them until you shall be possessed of the views of your Government, unless you should change your purpose, may produce great delay. It is our wish to execute the Treaty in its letter and spirit, and if anything has been omitted by our agents at Mazatlan or at Tampico which the Treaty requires, this ought to be corrected. It would seem that the sum of forty-two thousand seven hundred and twenty-one dollars, eighty-seven and a half cents, which Commodore Jones was ready to pay over, was a large amount of duties collected at Mazatlan for so short a period as that which intervened from the 30th May to the 17th June, 1848.

I would make one or two suggestions to you. The Mexicans are captious and verbose writers, and if you get into a discussion with them on any subject, it will have no end. Accomplish, therefore, as much as possible by conversation. Indeed, this is a good rule in diplomatic intercourse.

Again, I would advise you to consult your own excellent judgment in all cases which may arise, and not delay your action awaiting instructions from the Department, unless in cases of serious doubt and difficulty.

I have this moment received the letter from the Secretary of War under date of . This will enable you to explain the want of punctuality on our part which there is reason to apprehend in making the payments required by the third article of the Treaty.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO MR. DONELSON.[1]

(No. 19.) DEPARTMENT OF STATE.

WASHINGTON, 15th August, 1848.

To ANDREW J. DONELSON, ESQRE.,

Appointed Envoy Extraordinary and Minister Plenipotentiary to the Federal Government of Germany,

Frankfort-on-the-Main.

SIR:

The President, by and with the advice and consent of the Senate, having appointed you Envoy Extraordinary and Minister Plenipotentiary of the United States to the Federal Government of Germany, I transmit, herewith,—

1st. Your Commission; and

2nd. A Letter of Credence, addressed to the Arch-Duke John, with an office copy of the same, which you will deliver to the Minister for Foreign Affairs of the Federal Government, upon asking, through him, an audience of the Arch-Duke, for the purpose of presenting the original.

The President has manifested his high appreciation of your zeal and abilities by conferring upon you this important appointment. Whilst it is our established policy never to interfere in the domestic concerns of foreign nations, we cannot view with indifference the efforts now in progress to unite all the German States in a more intimate Federal Union. We cordially wish

[1] MSS. Department of State, Instructions, Prussia, XIV. 127.

that these efforts may result in the establishment of a Constitution for all Germany which will render the Nation great and powerful, and will secure to every German citizen the blessings of liberty and order. We cannot, however, close our eyes to the difficulties which the German Parliament will have to encounter in their progress. These, it is presumed, will chiefly arise from the reluctance of the Sovereigns of the several States to surrender to the Federal Government such a portion of their separate powers and prerogatives as may be necessary to accomplish the great objects for which the German people are now contending. But we rely much upon their patient and persevering character to overcome this and all other difficulties.

Upon the delivery of your Letter of Credence to the Arch-Duke John, you will make such remarks as may be dictated by your own good judgment and discretion, and by your knowledge of the lively interest which the President feels in all that concerns the power, prosperity, and liberty of Germany. A very large portion of our own population, as you know, consists of Germans and their descendants; and they are distinguished for the sound good sense, the patient industry, and the firm integrity which belong to them in their father-land. We have no more useful citizens.

For the principles which have ever guided this Government in recognizing the independence of foreign Governments, and in abstaining from all interference in the domestic concerns of foreign nations, I would refer you to my despatch to Mr. Rush, of the 31st March last, with a copy of which you have already been furnished. You will be particularly careful in your conduct at Frankfort to avoid giving any just cause of offence to the Prussian Government; with which it is our sincere desire to maintain the most friendly relations. Your position, in this respect, will be the more delicate, and will require the greater circumspection, from the fact that you will represent your country both at Berlin and at Frankfort.

The most important object of your mission will be, to obtain such an adjustment of the German Tariff as will admit our important productions into German ports at a reasonable rate of duty. Our existing Tariff, as you are aware, is exclusively a revenue Tariff. No higher duties are levied upon imports than are necessary to supply the wants of the Government. It is our sincere desire to extend our trade with Germany upon principles of the most liberal and equal reciprocity. The interest of

both Nations, I am persuaded, will be essentially promoted by such a policy; whilst the intercourse thus established between them would essentially promote mutual feelings of friendship and good will. The Kingdom of Hanover and the Grand Duchies of Oldenburg and Mecklenburg-Schwerin, actuated by these principles, have already, to a considerable extent, entered into just and liberal commercial stipulations with the United States. I now enclose to you a copy of our Treaty with Hanover, and of the accession to it of Oldenburg and Mecklenburg-Schwerin; and trust that the German Parliament may not do less in their Tariff for Germany than has already been done by these three States. Besides, it would be exceedingly inconvenient to have one rule adopted in regard to importations and transit duties in these States, extending as they do so great a distance along the North Sea and the Baltic, and another rule for the remaining States of Germany. This argument may be urged with great force.

It appears to me that the collection of transit duties throughout the different States of Germany would be inconsistent with the nature of a Federal Government for the whole. It would be contrary to all our ideas in this Country to collect such duties on goods passing in any direction in and through the States of this Union. Such duties are annoying, are injurious to trade, and ought to be abolished. When foreign goods have once paid the proper duties of import, and fairly entered any of the ports of Germany, they ought to be permitted to circulate freely throughout the Empire. Any other policy would be repugnant to the idea of a Federal Union.

For your own information, I transmit a memorandum, prepared at the Treasury Department, of the rates of duty imposed under our present Tariff on the principal articles of merchandise imported from Germany.

My last despatch to you was dated on the 7th instant, and numbered 18.

I am, Sir, respectfully,

Your obedient servant,

James Buchanan.

## TO MR. BIDLACK.[1]

(No. 21.) DEPARTMENT OF STATE.
WASHINGTON, 16th August, 1848.

To B. A. BIDLACK, ESQUIRE.
&c. &c. &c.

SIR:

The Government of Venezuela having assumed its proportion of the claim of John D. Daniels on the late Republic of Colombia for the seizure, by authorities of that Republic, of his vessels the "Iris" and "Diligence" and their cargoes, you will take an early opportunity to apply to the Government of New Granada for its share of the indemnification due in the same case. The accompanying copy of the agreement upon the subject between the claimant and the Minister for Foreign Affairs of Venezuela will acquaint you with the particulars of the adjustment on the part of that government. The long period which has elapsed since the seizure was made, the circumstances attending it and the patience with which the injured party has waited for redress, should lead to a prompt recognition and payment of the liability of New Granada.

I am, Sir, very respectfully,
Your obedient servant,
JAMES BUCHANAN.

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## TO MR. SHIELDS.

(No. 27.) DEPARTMENT OF STATE.
WASHINGTON, 16th August, 1848.

To B. G. SHIELDS, ESQUIRE.
&c. &c. &c.

SIR:

Your despatches to No. 65, inclusive, have been received. At the instance of Mr. Robert M. McLane of the House of Representatives, a friend of Commodore Daniels, I have to request that you will hold, subject to the orders of the Commodore, the certificates of stock which you have received from the Government of Venezuela in satisfaction of that part of his claim on the late Republic of Colombia which that government has assumed. Any

[1] MSS. Department of State, Instructions, Colombia, XV. 118.
[2] MSS. Department of State, Instructions, Venezuela, I. 75.

interest which may have been paid upon the stock you will likewise hold subject to the Commodore's order.

The Department understands that it is his intention to proceed himself from Caracas to Bogotá and Quito for the purpose of aiding Messrs. Bidlack and Livingston in effecting an adjustment of the residue of the claim with the Governments of New Granada and Ecuador, respectively. There are papers on the files of your Legation which will be useful for this purpose. You will consequently cause him to be provided with copies of these.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. BUTLER.[1]

DEPARTMENT OF STATE,
WASHINGTON, 16th Aug., 1848.

BENJAMIN F. BUTLER, ESQ.
U. S. Attorney for the Southern Dist.
of N. Y.—New York city.

SIR:

I have received your letter of the 4th instant. I am exceedingly anxious to have the case of Metzger finally decided by the Supreme Court of the U. S. at their next term. From your letter of February 8, I had supposed there could be no doubt we should be able to accomplish this object. It is due to the French Government, which has taken an unusual interest in this case, as well as to the important principles of constitutional law involved in it, that it should be decided by the Supreme Court. Should the decision be favorable, Metzger may yet be arrested. The passage of the late Act concerning extradition ought not in any degree to interfere with the prosecution of the case to a final result.

The decision of Judge Edmonds, after what Mr. Justice McLean said in delivering the opinion of the Court in this case, (5 Howard, 188,) produced no little astonishment in this city.

I am, Sir, &c.,

JAMES BUCHANAN.

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[1] MSS. Department of State, 37 Domestic Letters, 7.

## TO MR. RUSH.[1]

(No. 23.) DEPARTMENT OF STATE,
WASHINGTON, 18th Aug., 1848.

RICHARD RUSH, ESQRE.,
&c., &c., &c.

SIR:

I have the honor to transmit to you, herewith, an autograph letter of the President of the United States, written in answer to a like communication (accompanied by a note from the French Minister of Foreign Affairs) addressed to him by General Cavaignac, the President of the Council and Chief of the Executive Power of the French Republic. An office copy of it is enclosed for the use of your Legation. Translations of General Cavaignac's and Mr. Bastide's letters, the originals of which were delivered by Major Poussin upon the occasion of his audience of presentation, are also sent.

You will take an early occasion after the receipt of this despatch to ascertain at the office of Foreign Affairs at what time and in what manner it will be most agreeable to General Cavaignac to receive the letter of the President, and will conform to his wishes on the subject.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO MR. CLIFFORD.

(No. 5.) DEPARTMENT OF STATE,
WASHINGTON, 18th August, 1848.

TO NATHAN CLIFFORD, ESQUIRE,
&c. &c. &c.

The Bill for the appointment of a Commissioner and Surveyor to run and mark the boundary line under the 5th article of the Treaty with Mexico, after having passed the Senate, was lost in the House for want of time and amidst the pressure of business which always attends the close of a session. Congress will, beyond question, pass this Bill very early in December, next, and it is the desire of the President to carry into execution this

[1] MSS. Department of State, Instructions, France, XV. 75.
[2] MSS. Department of State, Instructions, Mexico, XVI. 110.

article of the Treaty with the least possible delay. In the mean time, you are instructed to make this explanation to the Mexican Minister for Foreign Affairs, and it would be advisable for the Mexican Government at once to appoint their Commissioner and Surveyor. A knowledge of the fact would hasten the action of Congress. You might, also, ascertain at what season of the year it would be most proper to commence the survey, and when the Commissioner and Surveyor on the part of Mexico can be at San Diego. The Civil and Diplomatic Act approved on the 12th instant contains the following provision: "For the expenses of running and marking the boundary line between the United States and Mexico, and paying the salaries of the officers of the Commission, a sum not exceeding fifty thousand dollars."

This appropriation was doubtless made with a view to carry into effect the Act which failed in the House; but it is far from being certain that the President may not, under the Treaty, nominate a Commissioner and Surveyor to the Senate on their meeting in December. Should this course be deemed proper, these officers may be appointed during the first week of the session, and the appropriation may be applied to cover their expenses.

The British Government have objected to that clause of the late Treaty by which it is declared that "the boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues" [instead of one] "from land, opposite the mouth of the Rio Grande." To this I shall answer civilly, that the stipulation can only affect the rights of Mexico and the United States, and for this reason third parties can have no just cause of complaint.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

P. S. The Bill providing for the appointment of a Board of Commissioners to adjust claims of citizens of the United States on Mexico also failed in the House of Representatives for the same reasons as that for the establishment of the Boundary Commission.

## TO GENERAL LANE.

DEPARTMENT OF STATE.
WASHINGTON, 18th Aug., 1848.

GEN. JOSEPH LANE,
Evansville, Indiana.

SIR:

The President having appointed you Governor of the territory of Oregon, I have the honor herewith to enclose your commission. I also enclose a duly certified copy of the "Act to establish the Territorial Government of Oregon."

This communication will be delivered to you by Joseph L. Meek, Esq., who has been appointed Marshal of the District of Oregon. It is his purpose to proceed to Oregon without delay; and the Secretary of War will provide him the necessary escort for his safe passage. The President is exceedingly anxious that you should accompany him, if this be possible. The present condition of Oregon demands your presence; and he well knows that you are willing to make any sacrifices of personal convenience and comfort for the good of your country.

Yours very respectfully,

JAMES BUCHANAN.

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## TO MR. CRAMPTON.[1]

DEPARTMENT OF STATE.
WASHINGTON, 19th Augt., 1848.

JOHN F. CRAMPTON, ESQRE.,
&c., &c., &c.

SIR:

I have the honor to transmit to you, herewith, a copy of a letter addressed to this Department by the Secretary of the Treasury on the 18th instant, requesting that permission be solicited, through you, Sir, from the British Government, to transfer from the Ocean to the Lakes, *via* the river St. Lawrence, two small schooners, to replace the steamers the "Jefferson" and the "Dallas," lately withdrawn from the revenue service on Lakes Erie and Ontario.

[1] MSS. Department of State, 37 Domestic Letters, 8.
[2] MSS. Department of State, Notes to Great Britain, VII. 180.

From the promptitude with which you exerted your good offices in the case of the steamers, I feel no hesitation in bespeaking them again on this occasion; and am, Sir, with high consideration, your obedient servant,

JAMES BUCHANAN.

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## TO MR. CRAMPTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 19th Augt., 1848.

JOHN F. CRAMPTON, ESQRE.,
&c., &c., &c.

SIR:

I have had the honor to receive your note of the 30th April last, objecting, on behalf of the British Government, to that clause in the fifth article of the late treaty between Mexico and the United States, by which it is declared, that "the boundary line between the two Republics shall commence in the Gulf of Mexico three leagues from land," instead of one league from land, which you observe "is acknowledged by international law and practice as the extent of territorial jurisdiction over the sea that washes the coasts of States."

In answer, I have to state, that the stipulation in the treaty can only affect the rights of Mexico and the United States. If for their mutual convenience it has been deemed proper to enter into such an arrangement, third parties can have no just cause of complaint. The Government of the United States never intended by this stipulation to question the rights which Great Britain or any other Power may possess under the law of nations.

I avail myself of the opportunity to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Great Britain, VII. 185.

## TO MR. CAUSTEN.[1]

DEPARTMENT OF STATE.
WASHINGTON, 19th August, 1848.

JAMES H. CAUSTEN, ESQ.,
Washington.

SIR:

Your letter of the 17th inst., relative to the claim on the late Republic of Texas in the case of the schooner Mary Elizabeth, has been received. Since the admission of that Republic into this Union, the Government of the U. S. has been absolved from all obligations to prosecute the claims against the Texan Government for which its interposition had previously been invoked. It has consequently held the papers relating to such claims subject to the orders of the parties interested. If, therefore, Mr. J. P. Powers, the claimant in the case of the Mary Elizabeth, should desire the documents relative to that claim, those on file in this Department can be surrendered at once, and the Department will give an order for the delivery, to any authorised agent of his, of those which were sent to the Legation in Texas. The latter are believed to be either in the Custom House at Galvezton, or in the office of the Secretary of State of Texas.

I am, &c.,

JAMES BUCHANAN.

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## TO MR. DAVIS.[2]

No. 2. DEPARTMENT OF STATE,
WASHINGTON, 21st. Augt., 1848.

JOHN W. DAVIS, ESQ.
&c. &c. &c.

SIR:

I hasten to transmit to you, herewith, an authenticated copy of a law passed a few days before the close of the recent session of Congress, entitled "An Act to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, giving certain judicial powers to Ministers and Consuls of the United States in those countries."

[1] MSS. Department of State, 37 Domestic Letters, 9

[2] MSS. Department of State, Instructions, China, I. 56.

I meant to have accompanied this copy with some observations which might prove useful to yourself, and to the other functionaries in China upon whom additional authority is devolved, in the exercise of your new duties; but time will not allow this, at present, and I must defer the proposed task another week.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. MARCY.[1]

DEPARTMENT OF STATE,
WASHINGTON, 21st Aug., 1848.

HON. W. L. MARCY,
Secretary of War.

SIR:

I have the honor to communicate, for the information of the War Department, a copy of translations of two notes under date the 6th and 10th ultimo, respectively, addressed by the Minister of Foreign Affairs of the Mexican Republic to Mr. Clifford, the U. S. Minister at Mexico, the first complaining that the restoration of the Custom House at Mazatlan to the Mexican authorities was not attended with the formalities required by the 3d Article of the Treaty of Peace, and the second officer in command of our forces at Tampico had refused to give up the vessels belonging to the nation which served as a guard to the Maritime Custom House there, and vessels which were taken on our occupation of that port.

The letter from the War Department of the 16th inst. has been received, and a transcript of it has been forwarded to Mr. Clifford.

I have the honor, &c.,

JAMES BUCHANAN.

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[1] MSS. Department of State, 37 Domestic Letters, 9. A similar letter, except the last paragraph, was sent on the same day to the Hon. John Y. Mason, Secretary of the Navy; id. 10.

## TO MR. SANFORD.[1]

WASHINGTON, August 21, 1848.

DEAR SIR: I have just received yours of the 12th instant, in which you submit to me the following paragraph, and ask whether it contains an accurate version of the conversation between us, concerning my Berks county letter, on the occasion to which you refer:

> Happening to meet Mr. Buchanan at the President's levee, on Friday evening, I called his attention to this letter, and asked him if he intended to be understood as claiming that the population of a Territory, in an unorganized capacity, had the right to control the question of slavery in such Territory. He declared that no such idea had ever been maintained by him; that the construction put upon his language by Mr. Yancey was a perversion of its plain and obvious meaning; that, in his opinion, the inhabitants of a Territory, as such, had no political rights, [although they possessed all the private rights of American citizens;] that they had no power whatever over the subject of slavery; and they could neither interdict nor establish it, except when assembled in convention to form a State constitution. He further authorized and requested me to make any public use of these declarations that I might think proper, to correct any impression which Mr. Yancey's construction of his language in the Berks letter might have made.

With the addition which I have inserted between brackets, this statement is substantially and almost literally correct, according to my recollection.

In my letter to Berks county of 25th August, 1847, I had said, "under the Missouri compromise slavery was forever prohibited north of the parallel of 36° 30′, and south of the parallel the question was left to be decided by the people." What people? Undoubtedly the people of the Territory assembled in convention to form a State constitution and ask admission into the Union; and not the first adventurers or "first comers" who might happen to arrive in the Territory, assembled in public meeting. If a doubt on this subject could possibly exist, it is removed by the next succeeding sentence of my letter. I proceeded to state: "Congress, on the admission of Texas, adopted the same rule," etc. And what was this rule? "The Joint Resolution for annexing Texas to the United States," approved March 1, 1845, answers the question in the following words: "And such States as may be formed out of that portion of said Territory lying south of 36° 30′ north latitude, commonly known

[1] Cong. Globe, 31 Cong. 1 Sess. XXXIII., Appendix, 1250.

as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire." Such was the description of the people to whom I referred in my Berks county letter.

Any other construction of the letter would render it essentially inconsistent with itself. Having urged the adoption of the Missouri Compromise, the inference is irresistible that Congress, in my opinion, possesses the power to legislate upon the subject of slavery in the Territories. What an absurdity would it then be, if, whilst asserting this sovereign power in Congress, which power from its nature must be exclusive, I should, in the very same breath, also claim this identical power "for the population of a Territory in an unorganized capacity!"

In conclusion, I desire to reiterate and reaffirm every sentiment contained in my Berks county letter. I cling to the Missouri compromise with greater tenacity than ever, and yet firmly believe that it will be adopted by Congress.

Yours, very respectfully,

JAMES BUCHANAN.

T. SANFORD, ESQ.

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## TO MISS LANE.[1]

WASHINGTON 22 August 1848

MY DEAR HARRIET/

I have this moment received your letter of the 20th Instant. I answered your former letter very soon after it was received & am sorry that my answer miscarried.

I expect sister Maria here to-day or to-morrow and of course ———.[2] At this moment I was interrupted by the agreeable information that she had arrived & I have just seen her. It is now four years since I enjoyed that pleasure. How long she will remain I do not know; but it will be impossible to leave before her departure. She will remain until James[3] shall receive his appointment in the Revenue Cutter service which was kindly promised him by Mr. Walker, but which cannot be conferred until after the President's return, who is not expected until this day week the 29th Instant. From present appearances, I shall

[1] Buchanan Papers, private collection; Curtis's Buchanan, I. 541.

[2] Perhaps Mrs. Yates; but the word is not completed in the original.

[3] James Buchanan Yates.

not be able to leave Washington before the first of September. I cannot, therefore, promise positively to visit Rockaway.

I hope you are enjoying yourself, & may be benefited in your health by the sea bathing.

Should I go to New York I may take you as far as West Point. I presume the season will be too late for the Saratoga Springs.

Give my kindest regards to Mrs. Bache & the ladies, & believe me to be ever yours affectionately

JAMES BUCHANAN.

MISS HARRIET LANE.

P. S. My former letter was directed to Rockaway, Long Island, New York.

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## TO MR. PLEASONTON.[1]

DEPARTMENT OF STATE.
23d August, 1848.

STEPHEN PLEASONTON, ESQ.
Fifth Auditor Treasury U. S.

SIR:

By the provisions of a recent act of Congress entitled "an act supplementary to 'an act to authorize the Secretary of State to liquidate certain claims therein mentioned,' passed the 18th of April, 1814," the Secretary of State is directed to examine, according to principles of equity and justice, the claim of Joseph de la Francia for advances made for the use and benefit of the U. S., prior to and since the taking of that portion of the late province of West Florida described in the said act (approved 18th April, 1814) as included within the limits of the state of Louisiana, or the Mississippi Territory, by the United States.

In order that this Department may be the better enabled to fulfil the duty thus devolved upon it, I have the honor to request that you will communicate to me all the information in the possession of your office likely to contribute to a full understanding of the merits of this claim of Joseph de la Francia upon the U. S., accompanied by such observations or remarks as you may judge requisite to illustrate the subject.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

[1] MSS. Department of State, 37 Domestic Letters, 10.

## TO MR. BILLE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 24th August, 1848.

MR. STEEN BILLE,
&c. &c., Philadelphia.

SIR:

I have the honor to acknowledge the receipt of your note of the 22nd Instant, communicating, under instructions, a copy of a despatch from your Government, dated at Copenhagen on the 24th ultimo.

These communications will be laid before the President upon his return to the Seat of Government; and, in the mean time, I seize the occasion to express to you my profound regret that any circumstances should have unexpectedly arisen to retard or jeopard the negotiations for peace, and return to harmony, of which this Government had been led to regard the armistice, lately entered into by the respective Governments of Denmark and Prussia, as the certain harbinger.

I am, Sir, with great consideration,

Your obedient servant

JAMES BUCHANAN.

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## TO MR. TEN EYCK.[2]

(No. 7.) DEPARTMENT OF STATE,
WASHINGTON, 28th August, 1848.

TO ANTHONY TEN EYCK, ESQUIRE
&c. &c. &c.

SIR,

Your despatches to No. 35, inclusive, have been received. You often complain that you have not been promptly furnished with full instructions upon points which seem to you to require them. I have two answers to give to these complaints.

1. From your despatch of the 25th May, 1847, as well as from information derived from another source, I expected daily to be informed of your resignation. Under these circumstances, I deemed it advisable to await the departure of your successor from the United States and give him full instructions in regard to the objects of his mission.

[1] MSS. Department of State, Notes to Danish Legation, VI. 20.
[2] MSS. Department of State, Instructions, Hawaii, II. 1.

2d. Whilst expecting your return, I felt reluctant to express my disapprobation of any portion of your conduct as the Representative of your Country.

One principal object of your mission, as appears from your original instructions, dated 10th September, 1845, was to negotiate a Treaty with the Hawaiian Government upon the basis of their Treaties with Great Britain and France, although you were not limited to their provisions. A copy of the Treaty with Great Britain was furnished you as a guide. Although you doubtless had it in your power to negotiate such a Treaty upon your first arrival; yet you submitted to the Hawaiian Government the projet of a Treaty to which, as I intimated to you in my despatch of the 18th June, 1847, they would not accede, because it trenched "too much on their rights as an independent nation;" and such proved to be the fact. By the same Despatch you were again instructed to conclude a Treaty similar to that with Great Britain, if a better could not be obtained; and in opposition to your opinion, I expressed the belief, after re-examining the subject, that such a Treaty "could not fail to prove advantageous to our interests." It now appears from your Despatches of the 15th February and 4th May last that it is doubtful whether the Hawaiian Government will conclude such a Treaty with the United States; and the opportunity may have been lost of placing us on the same footing with Great Britain and France.

Your efforts to secure the just claims of American citizens to lands in the Hawaiian Islands were laudable in themselves, and in these efforts you ought still to persist; but they ought not to have delayed or prevented you from concluding a Treaty in obedience to your instructions.

The President has learned with regret and astonishment the probable refusal of the Hawaiian Government to conclude a Treaty with the United States upon the terms of their Treaty with Great Britain. He entertains the hope that this may not be their final determination. If it should, he will be compelled to consider it as evidence of a want of friendly feeling towards this Government. We desire no advantages over these nations; but equal and exact justice requires that we should be placed upon the same footing. This we have a right to expect. Should they afterwards consent to annul or modify these Treaties, the Hawaiian Government have no reason to doubt that we would act towards them in the same liberal spirit.

You might, should this become necessary, limit the duration

of the Treaty to a term of years, as has been usual in our treaties with other nations, but to continue thereafter until one or the other party shall give a year's notice of its intention to terminate it.

You appear not fully to have understood your powers and duties under the law of nations in regard to claims of American citizens on Foreign Governments. I cannot explain these more clearly than by extracting a few sentences from a letter dated on the 11th November, 1847, and addressed by this Department to Vice President Dallas, in answer to an application made by him in behalf of an American citizen. The extract follows:— "It has been the practice of this Department to confine its official action in the recovery of indemnity from foreign Governments to tortious acts committed under their authority against the persons and property of our Citizens. In the case of violation of contract, the rule has been not to interfere, unless under very peculiar circumstances, and then only to instruct our diplomatic agents abroad to use their good offices in behalf of American citizens, with the Governments to which they are accredited. The distinction between claims arising from torts and from contracts is, I believe, recognised by all nations, and the reasons for this distinction will readily occur to your own mind." This letter was carefully considered and adopted by the President and the entire Cabinet. I might add, that if this were not the rule, Governments and especially our Government, would be involved in endless difficulties. Our citizens go abroad over the whole world and enter into contracts with all foreign Governments. In doing this they must estimate the character of those with whom they contract, and assume the risk of their ability and will to execute their contracts. Upon a different principle, it would become the duty of the Government of one country to enforce the payment of loans made by its citizens and subjects to the Government of another country. This might prove exceedingly inconvenient to some of the States of this Union as well as to other Sovereign States.

In regard to the jurisdiction of the Courts of Independent Nations over American citizens resident within their limits, it became necessary for me, on the 1st February, 1848, to address a note to Mr. Osma, the Minister from Peru, which also received the sanction of the President and Cabinet. From it I make the following extract. "Citizens of the United States whilst residing in Peru are subject to its laws and the Treaties existing

between the parties, and are amenable to its Courts of Justice for any crimes or offences which they may commit. It is the province of the Judiciary to construe and administer the laws, and if this be done promptly and impartially towards American citizens and with a just regard to their rights, they have no cause of complaint. In such cases they have no right to appeal for redress to the diplomatic representative of their country, nor ought he to regard their complaints. It is only where justice has been denied or unreasonably delayed by the Courts of Justice of foreign countries, where these are used as instruments to oppress American citizens or to deprive them of their just rights, that they are warranted in appealing to their government to interpose." All these are ancient and well established principles of public law; and the quotations are made merely to shew that they have received the formal sanction of this Government.

A public Minister resident abroad can always render important services unofficially to his countrymen in cases of contracts with foreign Governments. From the peculiar condition of the Sandwich Islands, the number of American residents, the feebleness of the Government, and the want of knowledge upon the part of its native functionaries, interpositions of this character are oftener necessary than with long established Governments. And from the great distance, it is your duty to act in such cases, upon your own judgment and discretion, without first consulting this Department. Upon these occasions you can probably accomplish more in private conversations than in any other manner; but in order to render your aid effectual you should cultivate the most friendly personal relations with the King and all his high officers. This truth being so obvious, I was surprised to learn that you had acted as agent or counsel for Ladd & Company in conducting their proceedings against the Government, which could not fail to bring you into direct collision with the Hawaiian authorities. I could not have anticipated this after you had been informed, in your original instructions, that "one great cause of the difficulties between Mr. Brown and the Hawaiian authorities arose from his conduct as an attorney in defending James Gray, an American Seaman, before a Hawaiian Court, on a charge for assault and battery. *It was highly improper for a diplomatic Representative of the United States to practice law in the Courts of the country to which he was accredited, and in the opinion of the President is wholly*

*inconsistent with the Diplomatic character.*" From all that I have said, you will not be surprised to learn that the President of the United States does not deem it proper to interfere officially for the purpose of redressing the alleged grievances of your clients Messrs. Ladd & Company. Their claim arises purely from contract, and results from a denial on their part of the right of the Hawaiian Government to levy upon property owned or claimed by them, towards satisfying a debt to that government judicially acknowledged to be due. This denial is based upon the ground that pursuant to a contract entered into at Brussels on the 17th of May, 1843, the alleged parties to which were the Hawaiian Government, the Belgian Colonization Company, and Ladd and Company, the last named party conveyed to the Company certain property and privileges at the Islands, possession of which, however, they [Ladd & Co.] were to retain until the Belgian Company was ready to receive it, pursuant to the terms of the contract. Ladd and Company contend that by this stipulation the Hawaiian Government engaged to maintain them in possession of the property in any event and against any other claimants, even ordinary creditors. This, however, that government denies, and having itself been a creditor of the firm, it seized and sold on execution a part of the property referred to. Soon after your arrival at the Islands, however, the Hawaiian government was induced to refer all its matters in dispute with Ladd & Co. to arbitrators, who entered into an elaborate investigation of their case, in the course of which many witnesses were examined in their behalf. The trial, with occasional interruptions, extended over several months, but before the case on the part of the Government had been opened, Ladd & Co. withdrew from the arbitration, on the alleged grounds of a want of means to prosecute it further, and of the captious course of the Attorney on the part of that government. To the first of these, the Hawaiian government has replied, that it offered, upon proper security, to advance the means necessary to carry on the arbitration. Mr. Ricord, the Attorney on the part of the Hawaiian Government, sometimes, without doubt, unduly urged the rights of his client, but this disposition appears to have been properly checked by the arbitrators. Certain it is, however, that these creditors who are now the parties in interest might have had it finally decided, had they thought proper, by a board of respectable arbitrators. Whether the claim be just or unjust on the part of Messrs. Ladd & Company, who are now prosecuting it for their creditors, I shall not express an opinion.

But if the claim were never so just, if it had been a case in which this Government were bound officially to interfere, and if the amount due to the claimants had been acknowledged by the Hawaiian Government, the President could not employ the naval force of the United States to enforce its payment without the authority of an Act of Congress. The war making power alone can authorize such a measure. The President, therefore, regrets that you should have so far mistaken your powers as to have called upon Commander Du Pont of the Cyane in September last and "inquired of him whether he would consider any directions or instructions from me [you] in my [your] official capacity as at all obligatory upon him in case I [you] should find it necessary to use the force under his command to compel compliance with any demands I [you] should think proper to make on this [the Hawaiian] Government." Commander Du Pont very properly replied in the negative; and informed you that under his general instructions he should feel bound to cultivate the most friendly relations with all the Officials of this [the Hawaiian] Government.

From the whole tenor of your Despatch, it is evident, that had he consented, you might have involved your country in an act of war against the Sandwich Islands. You expressly say, that you had intended to make demands upon the Hawaiian Government for reparation and indemnity for some of our citizens whose rights and liberties had been invaded in a most gross and illegal manner, *provided you should obtain his assistance with the force under his command, in case any demands were not complied with and you should find it necessary and expedient to call upon him.*

You must for some reason have taken up the idea that the Hawaiian Government was not to be treated as an independent Government by the United States; and yet I am not aware of any thing peculiar in the relations between the two countries which would justify us in discriminating between that and other nations whose independence we have recognized. Mr. Calhoun, in a note addressed to Messrs. Richards & Haalitio, the Hawaiian Commissioners, dated on the 6th July, 1844, informed them that "the President regarded his message to Congress of the 31st December, 1842, the proceedings of the House of Representatives thereon, and the appropriation made for the compensation of a Commissioner of the United States who was subsequently appointed to reside in the islands, as a full recognition, on the part

of the United States, of the independence of the Hawaiian Government." Besides, the letter of President Polk to the King which you bore with you, dated on the 10th September, 1845, treated him as an independent sovereign.

This Government, having thus pledged itself to accord to that of the Hawaiian Islands the rights and privileges of a sovereign State, cannot in honor or justice demand from it any thing which, under like circumstances, it would not demand from the most powerful nations. I can discover nothing which would justify this Government in objecting to the decisions of the Hawaiian Courts in ordinary cases arising under the municipal laws of the Country, or in dictating the policy which that Government should pursue upon any domestic subject, and especially that of the tenure of real estate by resident foreigners.

If the ordinary privileges of a sovereign state are to be allowed to the Hawaiian Government, it will be difficult justly to question its unqualified right to prescribe the rules by which real estate is to be held in the Islands. It is the policy of most governments to withhold from aliens fee simple titles to lands. This policy is based upon the ground that it is expedient for the exclusive ownership of the soil of a country to be vested in those who owe allegiance to its government. If, as you represent, citizens of the United States have improved lands and other real property in the Islands under the impression that their titles thereto were perfect, that their government would concur with them in this opinion and would require the Hawaiian Government to conform thereto, they certainly are mistaken. Their rights must be measured by the laws and customs of the Islands as expounded by the Judicial tribunals. If they have been mistaken in regard to these laws and customs, it is a misfortune which you will use your best efforts to remedy. 1. By exerting all your influence to procure the legislation necessary to render their titles valid: and 2. if this cannot be accomplished, to procure indemnity for them to the value of any improvements which they may have made upon the lands. This Government would have reason to expect such a proof of friendship to the United States and such an act of justice towards the claimants. Still you will be careful in your representations upon this subject to avoid the appearance of dictating to the Hawaiian Government what course they should pursue. Earnest persuasion proceeding from the Representative of the United States will be much more powerful in accomplishing the object than a per-

emptory demand, accompanied by a threat, which the Hawaiian Government must well know would not be justified by the law of Nations, nor enforced by the President and Congress. I do not consider it necessary to enter upon the proceedings in the action for a libel brought by Peter A. Brinsmade, who seems to have been the active partner of the firm of Ladd & Co., against James Jackson Jarvis, the Editor of the Polynesian. Upon the question whether the plaintiff was entitled to have a jury drawn and empanelled to try the cause, there seems to have been an unsearchable latitude of testimony and discussion permitted by the Court. Had Mr. Brinsmade formally discontinued the action on the 5th May, 1846, the time appointed for the hearing of this question, the proceedings must then have terminated. It is probable that he may have thought he had done so, when after reading his protest he withdrew from the Court, "and begged to allow himself to be defaulted if such was the Judge's decision." To what decision of the Judge he referred upon which this default was to take effect, does not clearly appear. At all events, the Judge proceeded to hear testimony as well as a very long argument of the defendant's Counsel on the question whether the plaintiff was entitled to a Jury. In the progress of the investigation, several American citizens were called as witnesses, and refusing to testify were committed for this contempt. Under these circumstances, I do not think they are entitled to call upon the Government to demand redress from the Hawaiian Government. They had no right to question the authority of the Court of an independent Country before whom they were subpœnaed: and a witness is everywhere liable to punishment for refusing to testify. If this were not the case, Courts of Justice would become a mere mockery.

You now have the General views of the Department upon the questions presented by your despatches. That they do not harmonize with your own, I deeply regret. Our recognition of the independence of the Sandwich Islands was deliberate and unreserved, and was bestowed with a knowledge of the past history and existing state of those Islands ample to warrant the measure. We were aware that ministers of the gospel from the United States had for a considerable period been sedulously and successfully employed in raising the natives from barbarism by teaching them the truths of Christianity, by making their language a written one, and by translating into it the holy scriptures and such works, religious, moral, and political, as were adapted

to their capacity and calculated to enable them so to discharge their duties here as to have reason to hope for a higher destiny hereafter. We were aware that physicians from the United States had been called thither to heal their sick, mechanics to exercise their various trades, and merchants to minister to those wants of the natives which their rising condition in the scale of humanity had already created and would progressively increase. We were also aware that the Hawaiian havens were thronged by our whalemen in quest of refreshments and recreation from their toil, and that this was a great incentive to the industry of the population and an important source of revenue to the Government. All these presented motives for sympathy and good will on the part of that government towards the United States, too strong to justify any apprehension that we should not have a proper influence in its Councils, or that it would disregard our rights and interests. For these reasons, it is my conviction that if in a conciliatory spirit you would devote your efforts to acquire a just and honorable influence over the Hawaiian authorities, you might accomplish the object. Such a result would be highly advantageous to both countries. You might thus by your counsel and advice render the Hawaiian Government as well as the citizens of your own country important services. We ardently desire that the Hawaiian Islands may maintain their independence. It would be highly injurious to our interests, if, tempted by their weakness, they should be seized by Great Britain or France: more especially so since our recent acquisitions from Mexico on the Pacific Ocean.

It may be true that the King has selected as his ministers naturalized foreigners who are covetous, selfish, and cunning, and who seek to gratify their propensities to his detriment. If such be the case, he deserves pity. But what could be the motives which would actuate even such men to provoke our just resentment or to defy our power, I am at a loss to conceive. Having been the first to welcome the Hawaiian Islands into the community of Nations, it is our true policy, weak and feeble as they are, to treat them with as much kindness and forbearance as may be consistent with the maintenance of our own just rights. Such is the opinion of the President. I would barely remark in regard to your appointment of Mr. Brinsmade as bearer of Despatches to the United States, that you ought to be careful not to make such appointments, with a promise of pay, unless in cases of great importance and pressing necessity. The

occasions are very rare, indeed, in which this Department or our foreign Ministers find it necessary to employ paid bearers of Despatches. There are so many Americans abroad who would desire to return home at the expense of the Government, that the Department is compelled to be strict upon this subject. The Secretaries of War and the Navy, with very great reluctance, united with me in paying Mr. Brinsmade's expenses.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. CRAMPTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 29th Augt., 1848.

JOHN F. CRAMPTON, ESQRE.,
&c., &c., &c.

SIR:

With reference to the note which, under instructions from your Government, you addressed to this Department on the 22d of July, 1847, relating to embarrassments which had arisen in consequence of the representative of the United States in China not having power to exercise any judicial authority over the citizens of the United States resident in that Empire, and expressing the confidence of Her Majesty's Government that the Government of the United States will see the expediency of establishing in China some tribunals competent to take cognizance of complaints against American citizens, in the same manner that the British tribunals there would take cognizance of complaints which might be made by United States citizens against British subjects, I have the honor to transmit to you printed copies of an act passed at the recent session of Congress "to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to Ministers and Consuls of the United States in those countries," whereby authority has been vested in those functionaries to remedy the evil to which you have invited attention.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Great Britain, VII. 186.

## TO MR. HEMPSTEAD.[1]

Department of State,
Washington, Aug: 29th, 1848.

Sir: I have received your letter of the 29th Ulto: and have to thank you for the information it contains. You will please give your attention to all matters of interest transpiring at or near your Consulate, and report them promptly to the Department. I have to request, that in conformity with your General Instructions, your despatches may be regularly numbered.

I am, Sir, &c.,

James Buchanan.

C. Hempstead Esqre.
U. S. Consul, Belize.

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## TO MR. SPRAGUE.[2]

Department of State,
Washington, Aug. 29th, 1848.

Horatio J. Sprague, Esqre.
U. S. Consul, Gibraltar.

Sir,

I have received your despatch No. 2, in which you state, that, "the Austrian Consulship General at Gibraltar being vacant, you have been solicited from Austria to accept it." In reply to your request "to be favored with the wishes of the President and the instructions of this Department" on the subject, I have to state that such acceptance would be in violation of the 9th Section of the 1st Art: of the Constitution of the U. States, which provides that "no person holding any office of profit or trust under them shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any King, Prince, or foreign State."

I am, Sir, &c.

James Buchanan.

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[1] MSS. Department of State, Despatches to Consuls, XII. 393; H. Ex. Doc. 75, 31 Cong. 1 Sess. 312.

[2] MSS. Department of State, Despatches to Consuls, XII. 393.

## TO MR. CRAMPTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 30th Augt., 1848.

JOHN F. CRAMPTON, ESQRE.,
&c., &c., &c.

SIR:

I have the honor to communicate to you, herewith, printed copies of an act passed at the late session of Congress, entitled "An Act for giving effect to certain treaty stipulations between this and foreign Governments, for the apprehension and delivery up of certain offenders," the provisions of which, it is hoped, will much facilitate the apprehension, commitment, and surrender of certain criminals, fugitives from the justice of their own countries, who may hereafter seek an asylum in the United States.

I avail myself of the opportunity to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

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## TO MR. DURANT ET AL.[2]

(Circular.) DEPARTMENT OF STATE,
WASHINGTON, 30th August, 1848.

SIR: Without any information upon the subject except that which is derived from the public journals, there is good reason to apprehend that certain citizens of the U. S. are now engaged in preparing a military expedition for the invasion of Mexico. Their object, it seems, is to revolutionize the Northern states of that Republic, and to establish what they denominate the Republic of the Sierra Madre.

Such an attempt to excite, aid, and assist a rebellion against the Mexican Government would be a flagrant violation of our national obligations. If American citizens can engage in such enterprises with impunity, then the commerce and peace of the country are placed at the mercy of adventurers who may issue from the U. States for the purpose of making war against foreign Governments. These remarks apply to our intercourse with all nations; but under existing circumstances they are more

[1] MSS. Department of State, Notes to Great Britain, VII. 187.
[2] MSS. Department of State, 37 Domestic Letters, 14.

peculiarly applicable to the Mexican Republic than to any other country. In the fifth article of our late Treaty of Peace with the Mexican Republic, it is expressly provided that "The boundary line established by this article shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each in conformity with its own Constitution"—and the President, in a message to the Senate of the U. S. of the 8th instant, has declared that "the late Treaty of Peace with Mexico has been and will be faithfully observed on our part."

The Congress of the U. S. have done their duty to enforce in good faith our international obligations. They commenced this good work so early as June, 1794, adopting and enforcing the principles of Washington's celebrated proclamation of neutrality of the year preceding. They passed several acts subsequently upon the same subject: and finally, on the 20th April, 1818, they passed the "Act in addition to the 'Act for the punishment of certain crimes against the U. States,' and to repeal the Acts therein mentioned." This act has repealed all former laws to enforce our neutral obligations and has embodied all the provisions which were deemed necessary for this purpose. It will be found in "the U. S. Statutes at Large," vol. 3, page 447, and in the "Laws of the U. States," vol. 6, page 320: and to this Act I invite your special attention. If faithfully executed, it will be found amply sufficient to prevent or to crush the proposed expedition against the Mexican states North of the Sierra Madre. You will observe that among other provisions it is declared [Section I.] to be a misdemeanor, punishable with severe penalties, for any citizen of the U. S., within the territory or jurisdiction thereof, to "accept and exercise a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the U. S. are at peace"—or [Section II.] for any person, whether a citizen or not, within the territory or jurisdiction of the U. S., to "enlist or enter himself, or hire or retain another person to enlist or enter himself, or hire or retain another person to go beyond the limits or jurisdiction of the U. S. with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman"—or [Section VI.] for any person, whether a citizen or not, within the territory or jurisdiction of

the United States, to "begin or set on foot, or provide or prepare the means for, any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace."

I have adverted specially to these provisions because they seem to be peculiarly applicable to the present occasion; but desire to call your particular attention to the whole act.

I am directed by the President to instruct you to use the utmost vigilance in discovering any violations of the provisions of this Act throughout your district: and in all cases where the proof which you can obtain shall be deemed sufficient to warrant a conviction, to institute prosecutions immediately against the offenders. It is your duty, also, to warn all persons who, you have reason to believe, intend to violate this Act, that they shall be prosecuted with the utmost rigor in case they should persist.

The honor, as well as the peace, of the country, demands that no effort shall be spared to enforce in good faith the wise and salutary provisions of this law in favor of the Mexican Republic.

You are also instructed to keep this Department regularly advised of all the information which you can acquire on the subject of the alleged expedition against the Northern states of Mexico. I shall expect an immediate acknowledgment of the receipt of this letter, together with all the information on the subject then in your possession.

The Secretary of War, under the direction of the President, has this day transmitted to Major General Taylor an order to execute the provisions of the 8th section of this Act, which so far as the same would seem to be applicable to the present case are as follows: "that in every case" "in which any military expedition or enterprise shall be begun or set on foot, contrary to the provisions and prohibitions of this act," "it shall be lawful for the President of the U. S., or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the U. S., or of the militia thereof," "for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the U. S., against the territories or dominions of any foreign prince or state, or of any colony, district, or people, with whom the U. S. are at peace." You will, therefore, not fail to communicate to him any information now in your possession, or which you may

hereafter obtain, that may be useful to him in the performance of this duty.

Yours very respectfully,

JAMES BUCHANAN.

P. S. The Secretary of the Treasury being now absent from the city, the President instructs you to inform the Collector or Collectors of the Ports within your District that he shall expect them to be vigilant in executing the provisions of the tenth and eleventh sections of the Act of 20th April, 1818, and in preventing these from being violated to the injury of the Mexican Republic.

The above sent to
Thomas J. Durant, Esq., U. S. Attorney at New Orleans, Louisiana.
Thomas J. Gantt, Esq., U. S. Attorney at St. Louis, Missouri.
Alexander B. Meek, Esq., U. S. Attorney at (S. D.) Mobile, Alabama.
Richard M. Gaines, Esq., U. S. Attorney at (S. D.) Natchez, Mississippi.
Francis H. Merriman, Esq., U. S. Attorney at Galveston, Texas.
Samuel H. Hempstead, Esq., U. S. Attorney at Little Rock, Ark.
Henry W. McCorry, Esq., U. S. Attorney at (W. D.) Jackson, Tennessee.

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## TO MR. STILES.[1]

No. 23. DEPARTMENT OF STATE,
WASHINGTON, 31st August, 1848.

WILLIAM H. STILES, ESQRE.,
etc., etc., Vienna.

SIR:—

My last letter to you was dated on the 6th ultimo; and I have now to acknowledge the receipt of your despatches to No. 36 inclusive.

The Department entirely approves of the course you have pursued in exposing the pretended deputation of political adventurers who claimed to represent the feelings of this country in regard to Austria.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Austria, I. 53.

## TO MR. ROWAN.[1]

(No. 4.) DEPARTMENT OF STATE,
WASHINGTON, 31st August, 1848.

JOHN ROWAN, ESQRE.,
&c., &c., Naples.

SIR:

I have the honor to acknowledge the receipt of your despatches of the 1st, 10th, and 17th ultimo,—the first and last numbered 1 and 3, whilst that of the 10th July was not numbered.

The agitations of Italy, and the precarious position of several of its States, give a special value to the communications from our Diplomatic Representatives in that part of the world. In the difficult position in which you may be placed, I would refer you, as a guide for your conduct, to my despatch to Mr. Rush of the 31st March last, (of which I transmit you a copy,) containing an exposition of the policy of this Government in regard to the recognition of foreign Governments, and to our non-interference in the domestic concerns of foreign nations.

The Department has not yet received intelligence of the arrival of Mr. Martin at Rome.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. BILLE.[2]

DEPARTMENT OF STATE,
WASHINGTON, 31st August, 1848.

MR. STEEN BILLE,
&c. &c. &c.

SIR:

In acknowledging the receipt of your note of the 28th instant, I have the honor to state that I have given orders for the immediate publication of the notice of the enforcement and extension of blockade in the North Sea and the Baltic, which you have communicated therein, on the part of your Government.

I am, Sir, with great consideration,

Your obedient servant,

JAMES BUCHANAN.

[1] MSS. Department of State, Instructions, Two Sicilies, XIV. 55.
[2] MSS. Department of State, Notes to Danish Legation, VI. 21.

## TO MAJOR GRAHAM.[1]

DEPARTMENT OF STATE,
WASHINGTON, 31st Aug., 1848.

MAJOR JAMES D. GRAHAM,
Washington.

SIR:

I have received your letter of the 16th instant, and in answer have to state, that as Congress deemed it expedient to make an appropriation of $10,000 "for the purpose of restoring, by reconstruction, under the direction of the Secretary of State, the maps showing the demarcation of boundary under the Treaty of Washington of August 9th, 1842, which were destroyed by fire at the city of Washington, on the night of April 17th, 1848, and of procuring the authentication thereof," I informed you some time since that you were designated to take charge of this duty. As you were the Chief of the scientific corps employed under the Treaty in constructing the original maps, you are certainly the most proper person to be employed in their reconstruction. Their authentication, after they shall have been reconstructed, and the disposition of that portion of the appropriation necessary for this purpose, are reserved for the Secretary of State.

You will accordingly commence operations immediately, if this has not already been done, with a view to as speedy a termination of the work as shall be consistent with accuracy.

I can perceive no objection to the estimate which you have furnished, unless it may be to the personal expenses of yourself and other scientific officers of the topographical corps, and the extra allowance to the soldiers. The question whether these can be allowed under the second section of the Act, approved August 23d, 1842, "making appropriations for the support of the army and of the military academy for the year 1842," will be referred to the Attorney General.

I observe that your estimate for reconstruction consumes almost the whole appropriation, leaving but a small balance to cover the expense of authentication. I trust you may be able to reduce this estimate.

From your assurances I confidently expect that the work will be completed at the end of one year. If it can be done sooner, so much the better.

I am, &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 37 Domestic Letters, 17.

## TO MR. ANDERSON.[1]

DEPARTMENT OF STATE.
WASHINGTON, 31st Aug: 1848.

A. J. ANDERSON, ESQRE.
Charleston, S. C.

SIR,

I have received your letter of the 21st. transmitting copies of certain papers, relating to a difference between Mr. Wells, Consul of the U. States at Bermuda, and his Consular Agent at Hamilton; and soliciting for the latter, Mr. Watson, an appointment, as Consul for the Port of Hamilton. Unless in cases where just exception is made to the character of the Agent, this Department does not interfere with the free right of selection on the part of the Consuls. Such Agents being exclusively responsible to the Consuls, neither is it usual for these Agents to correspond with the Department, nor for it to take part in any controversies, or discussions, which may arise between them and their principals. Without further remark respecting your application in favor of Mr. Watson, it will be sufficient for the present to state, that without the previous advice and consent of the Senate the President does not create new Consulships, and it is doubtful whether he possesses the power. He would not, therefore, under any circumstances, appoint a Consul for the Port of Hamilton before the next meeting of the Senate.

I am, &c.

JAMES BUCHANAN.

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## TO UNITED STATES CONSULS.[2]

(*Circular.*) DEPARTMENT OF STATE.
WASHINGTON, Septr. 1st, 1848.

TO THE CONSUL OF THE UNITED STATES, AT

SIR:—The great increase in the amount annually expended for the relief and protection of destitute American Seamen in foreign Countries calls upon this Department to adopt all proper measures, compatible with the relief and protection of that meritorious class of our Citizens, for the reduction of this expenditure. In such regulations as may be adopted for this

[1] MSS. Department of State, Despatches to Consuls, XII. 304.
[2] MSS. Department of State, Despatches to Consuls, XIII. 105.

purpose, I calculate with confidence on the efficient co-operation of the Consuls of the United States, to whose administration, under the instructions of this Department, is entrusted the funds appropriated for the relief and protection of Seamen.

Among the causes which appear to have produced this increased expenditure is that of the detention of Seamen at some Consulates for long periods of time. There can be but two reasons for this practice: 1st, a deficiency of American or other Vessels, bound to the United States, by which they might be sent home; or 2nd, such a state of infirm health of the Seamen as would render it improper to send them on the voyage. In order to guard against an improper expenditure from this cause, the Fifth Auditor has adopted a rule to suspend, in the adjustment of Consular accounts, all charges for relief afforded to Seamen who have been for more than three months chargeable to the United States, unless the accounts are accompanied by satisfactory evidence: 1st, that the detention was caused by a want of Vessels in which they might have been shipped to the United States; or 2nd, that the health of the Seamen was in such a state that it would endanger their lives to have sent them on the homeward voyage. The evidence in the latter case is to be by the oath to the fact of the attending Physician.

Approving of this rule, I call your attention to it, and earnestly enjoin a strict compliance with it in all cases to which it may be applicable. This will be requisite to ensure the payment of your drafts on this Department.

In places where, from the infrequent departure of Vessels bound to the United States, opportunities of sending Seamen home seldom occur, and where employment on board of American Vessels cannot be obtained, it may be proper for the Consul, in the exercise of a sound discretion, to embrace opportunities of shipping them to an intermediate port where they would be likely to find such employment, or a passage to the United States. The Consul will, in this case, make a specific agreement with the master of the Vessel, at the most reasonable rate, for their passage; giving to him a draft on this Department for the amount, upon which it shall be expressed that its payment shall be upon the sole condition that there shall be endorsed upon it a certificate of the Consul at the port to which the vessel may be bound, that the Seamen named have arrived at his Consulate. In the exercise of this discretion the Consul will take into consideration the relative cost of keeping the Seamen where they

are, and at the port to which they can be sent, together with the expense of their passage to, and the probability of their obtaining employment at, or a passage home from the latter, and adopt that course which may appear the most economical, as well as conducive to the relief, &c., of the Seamen.

You are requested to acknowledge the receipt of this communication and to transmit a list of the Seamen who may be chargeable at your Consulate, specifying the dates when they became so, respectively. You will also transmit with all your future quarterly accounts a list of the Seamen then chargeable, the number of vessels, American and foreign, and their tonnage, which may have sailed for the United States subsequent to the date of your last account, and a statement of the Seamen sent home by them.

Your particular observance of these regulations is earnestly enjoined, as well as the adoption of such measures as your experience may suggest for the faithful and economical administration of the funds committed to you.

I annex an extract of a letter from the Fifth Auditor, under date of the 30th Ultimo, containing a suggestion which meets my approbation.

I am, Sir,

Your obedient Servant,

JAMES BUCHANAN.

[Extract.]

From a letter of the Fifth Auditor to the Secretary of State, dated August 30th, 1848:

"To obviate the excuse sometimes made for retaining Seamen at the Consulates, viz.: the want of Vessels homeward bound in which to send them, I respectfully suggest, as the law fixes the number of Seamen which Vessels of the United States shall be required to bring and the price to be paid for their passages, that the Consuls be instructed, when an American Vessel has received two Seamen for every one hundred tons burthen at the price fixed by law, to bargain with the Master of such Vessel for the passage of an additional number at a reasonable compensation above the ten dollars fixed by law to be paid on his certificate in the usual way at the Treasury. And also with Masters of foreign vessels at reasonable rates when opportunities by American Vessels do not offer. It would often be economy to pay 50 or 100 dollars to have Seamen sent home from the Sandwich and other Islands of the Pacific, where they have been kept longer and at greater expense than at other Consulates."

## TO MR. DAVIS.[1]

No. 3. DEPARTMENT OF STATE,
WASHINGTON, 1st Septr., 1848.

JOHN W. DAVIS, ESQ.
&c. &c. &c.

SIR:

When I addressed you on the 21st ultimo, I was under the impression that the Act of August 11th, 1848, was to be executed under the superintendence of the State Department. It was for this reason I stated that it had been my intention to accompany the copy of that Act with some observations which might prove useful to yourself and to the other functionaries in China. From a careful examination of the provisions since, I find that the Agency of the Secretary of State is not contemplated. The high powers which it confers upon you are to be exercised by yourself without any reference to this Department. I address you this lest you might be prevented by the observations in my former despatch from carrying the law into immediate execution.

The President has referred the subject to the Attorney General as properly belonging to his Department; but as the Act clearly specifies your powers and duties, it is doubtful whether any instructions will be sent to you through that office. At all events, you are to proceed without awaiting such instructions.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. HAMILTON.[2]

DEPARTMENT OF STATE,
WASHINGTON, 25th Sept: 1848.

R. M. HAMILTON, ESQRE.
U. S. Consul, Montevideo.

SIR,

Your despatch No. 151, under date the 30th June last, with the accompanying correspondence, and documents relative, in part, to the debt due to Messrs. William Musser & Co. by the Montevidean Government, has been received.

[1] MSS. Department of State, Instructions, China, I. 57.
[2] MSS. Department of State, Despatches to Consuls, XIII. 116.

The new proposition of that Government for the payment of this claim having been communicated to Messrs. Musser & Co. of Philadelphia, and approved by them, and being considered by you under existing circumstances to be reasonable the Department can see no objection to your accepting it.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO W. M. MEREDITH.[1]

WASHINGTON, September 25, 1848.

MY DEAR SIR:—

Upon my return to this city, on Saturday night, I found your letter to Mr. Fordney kindly offering to dispose of Wheatland, including all that you bought from Mr. Potter, to myself at the price you paid, and the matting in the house at a valuation. I accept this proposition, and you may consider the bargain closed.

Of the purchase-money I can conveniently pay $1750 at present, and the remainder on or before the first of January. If, however, you should need it sooner, I can procure it without much difficulty.

You can make the deed when you think proper, and the affair of the matting may be arranged at any time.

With many thanks for your kindness.

I remain yours very respectfully,

JAMES BUCHANAN.

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## TO MR. HAMILTON.[2]

DEPARTMENT OF STATE,
WASHINGTON, Septr. 26, 1848.

R. M. HAMILTON, ESQRE.
U. S. C. Montevideo.

SIR,

Referring to my letter of the 19th May last, I have now to acknowledge the receipt of your despatches to No. 150 inclusive, with the enclosures to which they refer—also of one, not num-

[1] Curtis's Buchanan, II. 3-4.

[2] MSS. Department of State, Despatches to Consuls, XIII. 112.

bered, dated July 5th, covering your Returns & Statement of Fees to the 30th of June last.

As requested in your No. 145, I enclose a duplicate of a letter addressed to you on the 30th Septr. 1847, acknowledging the receipt of despatches Nos. 136, 137, 138, & 139.

The attention of the Department has been directed to your No. 148, upon the subject of an Appeal of the Government of Montevideo soliciting aid from the Foreign Diplomatic & Consular Agents residing in that City. Your course in declining to respond favorably to this appeal, and in refusing to induce your fellow Countrymen to subscribe for the purpose of affording means to meet the exigencies of the War in which that Government is now engaged, is altogether approved.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO MR. BANCROFT.[1]

No. 40. DEPARTMENT OF STATE,
WASHINGTON, 27th Sept. 1848.

SIR: Referring to the instructions addressed to you from this Department on the 4th instant, (No. 36,)[2] I have the honor to transmit, herewith, a copy of a letter recently received by the President from Mr. Richard F. Ryan: who states that he is an

[1] MSS. Department of State, Instructions, Great Britain, XV. 368; H. Ex. Doc. 19, 30 Cong. 2 Sess. 17–18.

[2] The instruction referred to (MSS. Department of State, Instructions, Great Britain, XV. 364) was as follows:

(No. 36.) DEPARTMENT OF STATE,
GEORGE BANCROFT, ESQRE., WASHINGTON, Septr. 4th, 1848.
&c., &c., &c.

SIR: Having been appointed Secretary of State, *ad interim*, during the temporary absence of Mr. Buchanan, I am directed by the President to call your attention to the condition of those American citizens who have been arrested and held for trial under the charge of sedition or treason, for interference in the affairs of Ireland.

This Department has no official knowledge of any such arrest or interference, nor any information on the subject, except such as is before the public. I am not, therefore, able to furnish you with a list of names, or to aid your inquiries; yet so much has transpired through the public journals as to induce a belief that such arrests have taken place, and to make it expedient that they should attract some official notice.

If, upon inquiry, it shall be ascertained that any such arrests have occurred, it will be right, and the duty of the Government, to see that the

American citizen, illegally imprisoned in Newgate, Dublin, and soliciting the interference of this Government to obtain his release from confinement.

You are requested immediately to institute inquiries in the proper quarter in regard to this complaint, and if the case of Mr. Ryan prove to be a proper one for intervention, you will exercise your good offices in obtaining his discharge, or at least a prompt and fair trial.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

GEORGE BANCROFT, ESQRE., &c., &c., &c.

persons arrested have the full benefit of a legal defence. And it may be, and in the present instance is, its duty also to interpose its good offices in their behalf, beyond the strict limit of securing for them a full and fair trial.

It is the wish of the President, and he instructs you to urge upon the British Government the adoption of a magnanimous and merciful course towards these men who have been implicated in the late disturbances in Ireland. The calamities which have recently befallen her starving population by the dispensation of Providence in the destruction of her crops, the close bonds of sympathy between them and a large class who have removed and established themselves permanently in America, the national sympathy which has been extensively manifested in acts of charity and good will towards the Irish people, and the unsettled state of so large a portion of the civilized world, constitute a series of exciting causes so powerful as to render it hardly possible that an interference or outbreak to some extent should not have taken place.

But the power of the British Government is so great that it can well afford to be magnanimous. Perhaps no act on its part would have so happy an effect, or would be received by other nations with more universal approbation than an act of general amnesty. While the Government of the United States disclaims any right to interfere on behalf of British subjects, it is at liberty to say that such an act, so far as it embraced the case of our own citizens, would be regarded with particular favor. And should an act of grace and pardon extended to our own citizens be deemed to carry along with it the necessity of similar favor to British subjects in Ireland, it is believed that that necessity would constitute no objection to the measure, but would redound to the honor of Great Britain, in the estimation of the wise and good in all ages.

It is the desire of the President that this subject be presented to Her Majesty's Government with great delicacy, and pressed by all the considerations that may occur to you and appropriately belong to it.

I am, Sir, respectfully,

Your obedient servant,

ISAAC TOUCEY.

## TO MR. HYATT.[1]

No. 3. DEPARTMENT OF STATE,
WASHINGTON, 27th September, 1848.

T. H. HYATT, ESQRE.,
United States Consul, Tangier.

SIR:—

I have the honor to acknowledge the receipt of your despatch No. 3, of the 12th ultimo, which was received on the 11th instant, and would have been promptly answered but for my absence from Washington.

Although the practice of making presents to the Barbary Rulers, partaking, as it always did, of the nature of tribute, has been entirely abolished by this Government, the President, in view of all the considerations submitted by you, in connection with the event of the Emperor's purposed visit to the City of Tangier, has deemed it expedient and politic to acquiesce in your suggestion, and to permit you to act, on the occasion, as the other Representatives in Tangier shall be instructed to act by their respective Governments.

You are accordingly hereby authorized to draw upon this Department for a sum not to exceed $1000, to be expended in suitable presents to the Emperor; in the selection of which you will exercise your own discretion. This expenditure will, of course, as usual, be supported by vouchers, in all cases where practicable.

If, however, you should discover that the offer of presents to the Emperor is not to be general among the Foreign Representatives in Tangier, then you will not act upon this instruction. Besides, the occasion may have passed before this despatch can reach you; and in that event you will not tender a present, unless, in your opinion, the interest of your country may require this from its Representative.

You will make the Emperor's visit to Tangier, should it take place, the occasion of expressing to His Majesty, through the usual and proper channel, the friendly sentiments of the United States towards His Majesty.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Barbary Powers, XIV. 69.

## TO MR. PATTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27th Sept., 1848.

JOHN M. PATTON, ESQ.,

MY DEAR SIR: On my return to this city on Saturday last I found your favor of the 15th inst., enquiring whether the Treaties of the U. S. with foreign powers, stipulating that the citizens or subjects of the one, although aliens, might acquire lands by inheritance or devise within the territories of the other, extended to the states as well as the territories of the Union. In answer I have no hesitation in stating that these Treaties embrace all our states as well as territories. The very first Treaty of amity and commerce which the U. States ever concluded, contained a provision of this character, and many similar treaties have since been made. (Vide the 11th article of the Treaty with France of the 6th February, 1778, and the judicial construction upon it in the case of Chirac v. Chirac—2 Wharton's Reports, p. 259.)

This Government has always been anxious to conclude such treaties, because without them American citizens inheriting real or succeeding to personal estate throughout the continent of Europe would be greatly the sufferers.

Yours very respectfully,

JAMES BUCHANAN.

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## TO MR. FLENNIKEN.[2]

(No. 6.) DEPARTMENT OF STATE,
WASHINGTON, 30th September, 1848.

ROBERT P. FLENNIKEN, ESQRE.,
&c. &c. Copenhagen.

SIR:

My last despatch was dated on the 31st ultimo, since which time I have received your despatches of the 2nd and 20th ultimo, and of the 2nd instant.

In conformity with your suggestion, the notice of blockade communicated in your No. 42 was officially published. I was much gratified to learn from your No. 44, received on the 20th

[1] MSS. Department of State, 37 Domestic Letters, 20.
[2] MSS. Department of State, Instructions, Denmark, XIV, 50.

ultimo, as well as from a note, received the day before yesterday, from Mr. V. Bille, that a Convention for an armistice had been concluded, which, it was hoped, would receive the sanction of the Government at Frankfort, and pave the way to ultimate pacification; but subsequent intelligence received at the Department announces the fact that that sanction has been withheld.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. FISHER.[1]

DEPARTMENT OF STATE,
WASHINGTON, Sept: 30th 1848.

JOHN W. FISHER, ESQRE.
U. S. C. Guadeloupe.

SIR,

Your letter of the 29th of August last, with the Petition therein enclosed of many of the inhabitants of the Island of Guadeloupe, "reduced to painful circumstances by the freedom of the Slave population" and its apprehended results, addressed to the President, praying that he will "favor them with such facilities as would enable them to retire and settle on such part of the United States which he might deem convenient to grant them," has been by him referred to this Department. In reply, I have to state, that though deeply sympathising in the misfortunes with which the Petitioners are visited, the President has not the Constitutional power to alleviate them in the manner proposed, because Congress alone possess the power to appropriate any portion of the public lands. The protection and benefits of our laws and institutions are accessible to all who may desire to enjoy them. Should the Petitioners be disposed to emigrate to the United States, they will find a cordial welcome from our people, and, in numerous objects of enterprize and industry, the best assurance of comfort and independence.

I am &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, Despatches to Consuls, XII. 402.

## FROM PRESIDENT POLK.[1]

WASHINGTON CITY,
Sept. 30th, 1848.

SIR:

I invite your attention to two publications, which appeared in the New York Evening Post of the 28th of July, and were re published in the National Intelligencer of the 1st of August last, the one bearing the signature of *Benjamin Tappan* and the other that of *Francis P. Blair*. Shortly after my arrival in Washington in February 1845, I invited you to accept a place in my Cabinet. After you had signified your willingness to accept the position tendered to you, I was upon terms of confidential and unreserved intercourse with you. That you might be fully informed, in advance, of the principles on which my administration would be conducted, I submitted to you, for your examination, the Inaugural Address which I afterwards delivered to my fellow-citizens, and conferred freely with you in relation to public affairs. No opinions which I entertained upon any public subject, upon which we may have conversed, were withheld from you. The subject of the annexation of Texas to the United States was at that time under consideration in Congress. You were a member of the Senate and took part in the proceedings which were had in relation to it. As it may become proper that I should at some future period take some notice of the publications of *Mr. Tappan* and *Mr. Blair*, I request that you will furnish me with a statement of all you may know of any opinions, views, or acts of mine, as well before as after my Inauguration as President, relating to the subject of the annexation of Texas to the United States. I desire that you will state any conversations which I may at any time have held with you, and any opinions I may have expressed to you, either individually or in Cabinet, on the subject of the annexation of Texas, and also all you may know, if any thing, in relation to the matters set forth by *Messrs. Tappan & Blair* in their publications, and whether you had any knowledge or information of the statements made by them, when the subject of the annexation of Texas was before the Senate, of which body you were at the time a member. I desire that nothing I have ever said or done on the subject should be concealed from the public. The annexation of Texas was a measure of the highest National importance, conceived and consummated with pure and patriotic motives, and it may become proper, and especially after the publications referred to, that the opinions, views, and action of all the public functionaries entrusted at any stage of its progress with its management should be fully known.—With this object in view I address you this letter.

Yours Respectfully

JAMES K. POLK.

TO THE HONBLE. JAMES BUCHANAN.

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[1] Buchanan Papers, Historical Society of Pennsylvania. See Mr. Buchanan to President Polk, Nov. 9, 1848, infra.

## TO MR. HOPKINS.[1]

(No. 7.) DEPARTMENT OF STATE,
WASHINGTON, 2nd October, 1848.

GEORGE W. HOPKINS, ESQRE.,
&c., &c., Lisbon.

SIR:

Your despatch No. 9, of the 29th of July, was not received at the Department till the 21st ultimo. The accounts and vouchers which accompanied it have been referred to the 5th Auditor of the Treasury.

The Department has also received, through the hands of Consul Roach, the confidential papers which you were directed to withdraw from the Legation and transmit hither.

Your observations respecting our commerce with Portugal are perfectly just: and the attention of the present administration has been specially directed to our Treaties of commerce with foreign countries, several of which are unequal and unjust in their operation towards the United States. There is reciprocity on their face, whilst in practice they are any thing but reciprocal. We have, also, made some progress in correcting this evil. But what can we do with Portugal, in the present unfortunate condition of that country? Under existing circumstances, is there any hope that we can prevail upon her to admit our "cotton, rice, salt fish, and bread stuffs," "upon terms of just reciprocity"? If there be, and you will suggest to me what course I ought to pursue, I shall make every effort within my power to accomplish this desirable object.

What would be the effect of annulling the existing Treaty, which can now be done by Act of Congress? Would this bring Portugal to terms? I apprehend not.

In conversation, Mr. Figaniere has made many strong representations against our Tariff of July 30th, 1846. He attempted to prove that this Act, in changing the former specific into ad valorem duties on wines, and thereby increasing the duty, injuriously affected the wine-growers of Portugal, and was a violation of the spirit, if not of the letter of the Treaty. In answer, I stated, that this Treaty had not restrained, and never could have intended to restrain, Congress from changing our Tariff according to its own views of public policy. Besides, if the

[1] MSS. Department of State, Instructions, Portugal, XIV. 105.

Government of Portugal thought itself aggrieved, they could annul the Treaty by giving the required notice. I may add, that no intention exists, so far as I know, of reducing the duties on Portuguese wines; nor will this be done, unless for an equivalent.

I know nothing practicable, at present, but for you, whenever an occasion may offer, to enlighten those in authority in Portugal on the subject of their own interest; and to convince them how advantageous it would be to themselves to open a trade with the United States upon fair and equal principles of reciprocity.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. MARCY.[1]

DEPARTMENT OF STATE,
WASHINGTON, 2d Oct., 1848.

HON. W. L. MARCY,
Secretary of War.

SIR:

I have the honor of referring to you a note of the 16th September last, with the accompanying documents, which I have received from Mr. Calderon, the Envoy Extraordinary and Minister Plenipotentiary of Her Majesty the Queen of Spain, presenting twenty-eight claims of Spanish subjects against the Government of the United States for indemnification for losses and spoliation of property, which they allege they have suffered from the American troops during their occupation of Mexico. The documents are all in the Spanish language; and it will take much time to have them translated. They are transmitted to you in the original, supposing that you might desire to avail yourself of the information which Genl. Persifor F. Smith may possess upon the subject, during his visit to this city. His opinion on the general character of these claims might also be of importance, as he was Governor of the city of Mexico when several of them originated, and is eminently qualified to form a correct judgment in regard to their validity.

[1] MSS. Department of State, 37 Domestic Letters, 33.

As soon as you shall be enabled to form a judgment upon these claims, you will be good enough to communicate your opinion upon them respectively for the information of the Spanish Government.

I am, Sir, with great respect, &c.,

JAMES BUCHANAN.

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## TO MR. VOORHIES.[1]

DEPARTMENT OF STATE,
WASHINGTON, 7th October, 1848.

SIR: Previous to your departure for California, the President has instructed me to make known through your agency, to the citizens of the United States inhabiting that territory, his views respecting their present condition and future prospects. He deems it proper to employ you for this purpose, because the Postmaster General has appointed you an agent, under the "Act to establish certain post routes," approved August 14, 1848, "to make arrangements for the establishment of post offices, and for the transmission, receipt and conveyance of letters in Oregon and California."

The President congratulates the citizens of California on the annexation of their fine province to the United States. On the 30th of May, 1848, the day on which the ratifications of our late treaty with Mexico were exchanged, California finally became an integral portion of this great and glorious Republic; and the Act of Congress to which I have already referred, in express terms recognises it to be "within the territory of the United States."

May this Union be perpetual!

The people of California may feel the firmest conviction, that the Government and people of the United States will never abandon them, or prove unmindful of their prosperity. Their fate and their fortunes are now indissolubly united with that of their brethren on this side of the Rocky Mountains. How propitious this event both for them and for us! Whilst the other nations of the world are distracted by domestic dissensions, and are involved in a struggle between the privileges of the few and

[1] MSS. Department of State, 37 Domestic Letters, 42; S. Ex. Doc. 18, 31 Cong. 1 Sess. 6; H. Ex. Doc. 1, 30 Cong. 2 Sess. 47; H. Ex. Doc. 17, 31 Cong. 1 Sess. 6.

the rights of the many, Heaven has blessed our happy land with a Government which secures equal rights to all our citizens, and has produced peace, happiness and contentment throughout our borders. It has combined liberty with order, and all the sacred and indefeasible rights of the citizen with the strictest observance of law. Satisfied with the institutions under which we live, each individual is therefore left free to promote his own prosperity and happiness in the manner most in accordance with his own judgment.

Under such a Constitution and such laws, the prospects of California are truly encouraging. Blessed with a mild and salubrious climate, and a fertile soil—rich in mineral resources—and extending over nearly ten degrees of latitude along the coast of the Pacific, with some of the finest harbors in the world, the imagination can scarcely fix a limit to its future wealth and prosperity.

We can behold, in the not distant future, one or more glorious states of this confederacy springing into existence in California, governed by institutions similar to our own, and extending the blessings of religion, liberty and law over that vast region. Their free and unrestricted commerce and intercourse with the other states of the Union will confer mutual benefits and blessings on all parties concerned, and will bind us all together by the strongest ties of reciprocal affection and interest. Their foreign trade with the west coast of America, with Asia and the Isles of the Pacific, will be protected by our common flag, and cannot fail to bear back to their shores the rich rewards of enterprise and industry.

After all, however, the speedy realization of these bright prospects depends much upon the wise and prudent conduct of the citizens of California in the present emergency. If they commence their career under proper auspices, their advance will be rapid and certain; but should they become entangled in difficulties and dissensions at the start, their progress will be greatly retarded.

The President deeply regrets that Congress did not, at their late session, establish a territorial government for California. It would now be vain to enter into the reasons for this omission. Whatever these may have been, he is firmly convinced that Congress feel a deep interest in the welfare of California and its people, and will, at an early period of the next session, provide for them a territorial government suited to their wants. Our

laws relating to trade and intercourse with the Indians will then be extended over them; Custom Houses will be established for the collection of the revenue; and liberal grants of land will be made to those bold and patriotic citizens who, amidst privations and dangers, have emigrated or shall emigrate to that territory from the states on this side of the Rocky Mountains.

The President, in his annual message at the commencement of the next session, will recommend all these great measures to Congress, in the strongest terms, and will use every effort, consistently with his duty, to ensure their accomplishment.

In the mean time, the condition of the people of California is anomalous, and will require on their part the exercise of great prudence and discretion. By the conclusion of the Treaty of Peace, the military Government which was established over them, under the laws of war as recognized by the practice of all civilized nations, has ceased to derive its authority from this source of power. But is there, for this reason, no Government in California? Are life, liberty, and property under the protection of no existing authorities? This would be a singular phenomenon in the face of the world, and especially among American citizens, distinguished as they are above all other people for their law abiding character. Fortunately they are not reduced to this sad condition. The termination of the war left an existing Government, a Government *de facto*, in full operation; and this will continue with the presumed consent of the people, until Congress shall provide for them a territorial Government. The great law of necessity justifies this conclusion. The consent of the people is irresistibly inferred from the fact that no civilized community could possibly desire to abrogate an existing Government, when the alternative presented would be to place themselves in a state of anarchy, beyond the protection of all laws, and reduce them to the unhappy necessity of submitting to the dominion of the strongest.

This Government *de facto* will, of course, exercise no power inconsistent with the provisions of the Constitution of the United States, which is the supreme law of the land. For this reason no import duties can be levied in California on articles the growth, produce or manufacture of the United States, as no such duties can be imposed in any other part of our Union on the productions of California. Nor can new duties be charged in California upon such foreign productions as have already paid duties in any of our ports of entry, for the obvious reason that California is within

the territory of the United States. I shall not enlarge upon this subject, however, as the Secretary of the Treasury will perform that duty.

The President urgently advises the people of California to live peaceably and quietly under the existing Government. He believes that this will promote their lasting and best interests. If it be not what they could desire and had a right to expect, they can console themselves with the reflection, that it will endure but for a few months. Should they attempt to change or amend it during this brief period, they most probably could not accomplish their object before the Government established by Congress would go into operation. In the mean time the country would be agitated, the citizens would be withdrawn from their usual employments, and domestic strife might divide and exasperate the people against each other; and this all to establish a Government which in no conceivable contingency could endure for a single year. During this brief period it is better to bear the ills they have, than to fly to others they know not of.

The permanent prosperity of any new country is identified with the perfect security of its land titles. The land system of the general Government has been a theme of admiration throughout the world. The wisdom of man has never devised a plan so well calculated to prevent litigation and place the rights of owners of the soil beyond dispute. This system has been one great cause of the rapid settlement and progress of our new states and territories. Emigrants have been attracted there, because every man knew that when he had acquired land from the Government he could sit under his own vine and under his own fig tree and there would be none to make him afraid. Indeed there can be no greater drawback to the prosperity of a country, as several of the older states have experienced, than disputed land titles. Prudent men will be deterred from emigrating to a state or territory where they cannot obtain indisputable title and must consequently be exposed to the danger of strife and litigation in respect to the soil on which they dwell. An uncertainty respecting the security of land titles arrests all valuable improvement, because no prudent man will expend his means for this purpose, whilst there is danger that another may deprive him of the fruit of his labors. It is fortunate, therefore, that Congress alone, under the Constitution, possesses "the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." In the exercise

of this power, the President is convinced that the emigrants will receive liberal donations of the public land.

Although Congress have not established a territorial Government for the people of California, they have not been altogether unmindful of their interests. The benefit of our post office laws has been extended to them; and you will bear with you authority from the Postmaster General to provide for the conveyance of public information and private correspondence among themselves, and between them and the citizens of Oregon and of our States east of the Rocky Mountains. The monthly steamers on the line from Panama to Astoria have been required "to stop and deliver and take mails at San Diego, San Francisco and Monterey." These steamers, connected by the Isthmus of Panama with those on the Atlantic between New York and Chagres, will keep up a regular communication with California and afford facilities to all those who may desire to emigrate to that territory.

The necessary appropriations have also been made by Congress to maintain troops in California to protect its inhabitants against all attacks from a civilized or savage foe; and it will afford the President peculiar pleasure to perform this duty promptly and effectively.

But above all, the Constitution of the United States, the safeguard of all our civil rights, was extended over California on the 30th May, 1848, the day on which our late Treaty with Mexico was finally consummated. From that day its inhabitants became entitled to all the blessings and benefits resulting from the best form of civil government ever established amongst men. That they will prove worthy of this inestimable boon, no doubt is entertained.

Whilst the population of California will be composed chiefly of our own kindred, or a people speaking our own language and educated for self-government under our own institutions, a considerable portion of them were Mexican citizens before the late Treaty of Peace. These, our new citizens, ought to be, and from the justice and generosity of the American character the President is confident that they will be, treated with respect and kindness, and thus be made to feel that by changing their allegiance they have become more prosperous and happy.

Yours, very respectfully,

JAMES BUCHANAN.

WILLIAM V. VOORHIES, ESQ.,
Washington city.

## TO MR. CLIFFORD.[1]

(No. 7.) DEPARTMENT OF STATE,
WASHINGTON, 10th October, 1848.

TO NATHAN CLIFFORD, ESQUIRE,
&c. &c. &c.

SIR:

Your despatches to No. 29, inclusive, have been received. Your efforts to obtain redress from the Mexican Government for the outrage committed upon E. Porter, Esquire, the American Consul at Tabasco, are approved, and I trust they may be successful. The note of Mr. Otero of the 4th ultimo addressed to yourself is conceived in the proper spirit.

I am gratified to learn that the Mexican Government have rescinded the decree confining "the sale and consumption of tobacco introduced into the Mexican ports during the military occupation of the same by our Government, to the limits of said ports," and that they have executed the Treaty by removing all restrictions from the sale of this article.

The President is, also, pleased to know that the President of Mexico has nominated to the Senate the distinguished citizen Señor Luis de la Rosa as Envoy Extraordinary and Minister Plenipotentiary to the United States. I trust he may accompany you when you make your visit home. The President will receive him with cordiality and kindness, being anxious to cultivate the most friendly and intimate relations with Mexico.

I enclose you a copy of a Circular addressed by this Department on the 30th August, last, to the District Attorneys of the United States, in relation to the alleged project said to be entertained by certain American citizens, of revolutionizing the Northern States of Mexico and establishing the so called Republic of the Sierra Madre. From the answers to this Circular and from other sources of information, I think I may venture to assure you that the design, if it ever existed, has exploded. The vigorous and successful efforts which we have made to defeat this expedition are the strongest evidence of our desire to execute the late Treaty in good faith. As these efforts cannot fail to be justly appreciated by the Mexican Government, it is proper that you should communicate the facts to the Minister for Foreign Affairs.

[1] MSS. Department of State, Instructions, Mexico, XVI. 113

The proposition communicated in your despatch No. 23, "to open negotiations for an arrangement by which the Mexican Government may be enabled to realize the next two instalments under the Treaty of Peace before the time when they will fall due by the terms of the Treaty," has been submitted to the President. You are aware that in order to accomplish this object, there must be a new Treaty requiring the ratification of the Senate, and the money must afterwards be appropriated by Congress. To state these simple facts, is to present serious obstacles to such a Treaty. As both you and, I trust, Mr. Rosa will be in Washington before the meeting of the Senate, the President defers any positive decision upon the subject until after your arrival. In the mean time, he has been deeply impressed by your despatch, and is disposed to do all that is practicable to accommodate the Mexican Government.

I have had but a very brief period to prepare this despatch, otherwise, I should have enlarged on the subjects presented in it.

Yours, very respectfully,

JAMES BUCHANAN.

P. S. As it does not appear from your despatches that you have received the instruction from the Department No. 4, of the 15th August, last, a duplicate thereof is enclosed.

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## TO MR. HARRIS.[1]

No. 15. DEPARTMENT OF STATE,
WASHINGTON, 10 October, 1848.

TO WILLIAM A. HARRIS, ESQUIRE,
etc., etc., etc.

SIR:

Your despatches to No. 27, inclusive, have been received.

It is to be hoped that the raising of the blockade of the ports of Buenos Ayres by the naval forces of France will speedily lead to a restoration of the foreign trade there and to financial and general prosperity. Should this prove to be the case, we shall have reason to expect that the Buenos Ayrean Government will favorably receive your applications upon the subject of claims of citizens of the United States. The claimants are impatient at the long delay which has taken place in considering and deciding

[1] MSS. Department of State, Instructions, Argentine Republic, XV. 36.

their cases, and frequently request the Department to address new instructions to you in regard to them. Mr. Willett Coles, the agent for the claimants in the case of the ship Hope, seems to be particularly anxious. Although the Department is sure that you would omit no proper opportunity to invoke the justice of the Buenos Ayrean Government in behalf of all the claimants, this despatch is addressed to you at the instance of Mr. Coles, who appears to suppose that it might tend to hasten an adjustment of the claim which he represents.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. DABELSTEEN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 11th October, 1848.

TO SENOR DON O. L. DABELSTEEN,
New Orleans.

SIR:

Your letter without date enclosing your Commission as Vice Consul of the Mexican Republic for the Port of New Orleans, and also a communication to this Department from the Minister for Foreign Affairs of that Republic, has been received. In compliance with your request, the President's Exequatur recognizing you in that character is herewith transmitted and your Commission is returned. I would suggest that, as the latter is without the official seal, it would be advisable for you to send it back to the Mexican Foreign Office for the purpose of having the omission supplied. Otherwise, citizens of that Republic with whom you may have occasion to transact Consular business might question the validity of the Commission.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Mexican Legation, VI. 102

## TO MR. DAVEZAC.[1]

(No. 15.) DEPARTMENT OF STATE,
WASHINGTON, 12th Octr., 1848.

AUGUSTE DAVEZAC, ESQRE.,
&c., &c., &c.

SIR:

I deem it to be my duty again to address you on the subject of Mr. Seely's claim against the Dutch Government. This is not now done to enforce its justice, although I deem it to be eminently just; but to instruct you to reiterate your request for an answer from the Minister for Foreign Affairs to your note of the 29th November last.

It is now nearly a year since the date of that note, and yet it still remains unanswered! Throughout my experience in this Department, no such want of courtesy to this Government has ever been manifested by any foreign Government. For my own part, I should consider myself highly censurable were I to pursue a similar course in regard to any note addressed to this Department by the Chargé d'Affaires of the Netherlands; and more especially if it had been written by the express command of his Government.

Upon the receipt of this despatch, you will therefore address a note to the Minister for Foreign Affairs, urging him, in firm but respectful language, to answer your note of the 29th November last. Should he refuse to give you an answer, or, what is substantially the same, neglect to do so within a reasonable time, you will then report the fact to this Department.

I pursue this course upon the suggestion of Mr. Seely, who has just reason to complain that the representative of his Government at the Hague has not been able to obtain an answer to his able and judicious note written nearly a year ago.

Mr. Seely has just cause for his impatience; and I shall expect to hear from you promptly on this subject.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

P. S.—Your despatches to No. 48, inclusive, together with your despatch of the 17th September last, which is not numbered, have been duly received at this Department.

[1] MSS. Department of State, Instructions, Netherlands, XIV. 84.

## TO MR. FLENNIKEN.[1]

(No. 7.) DEPARTMENT OF STATE,
WASHINGTON, 14th October, 1848.

SIR: From your despatch No. 45, of the 8th September, as well as from your private letter, I am happy to learn that there is now a reasonable prospect that our commerce may be relieved from the "sound dues" paid to Denmark. The admission of the Danish Minister for Foreign Affairs, in conversation with you, "that he cannot defend the principle upon which these dues are exacted," is certainly a favorable indication.

You acted properly in not pressing the question, whilst Denmark was engaged in hostilities with Germany; but as the armistice concluded between the King of Prussia and his Danish Majesty has now been finally ratified at Frankfort, I agree with you "that the present may, perhaps, be an auspicious period to introduce this question formally and with determination to the Danish Government."

Under the public law of nations, it cannot be pretended that Denmark has any right to levy duties on vessels passing through the Sound from the North Sea to the Baltic. Under that law, the navigation of the two seas connected by this Strait is free to all nations; and therefore the navigation of the channel by which they are connected ought, also, to be free. In the language employed by Mr. Wheaton, "Even if such strait be bounded on both sides by the territory of the same Sovereign, and is, at the same time, so narrow as to be commanded by cannon-shot from both shores, the exclusive territorial jurisdiction of that Sovereign over such strait is controlled by the right of other nations to communicate with the seas thus connected." But the Sound is not bounded on both its shores by Danish territory, nor has it been since the Treaty of Roeskild, in 1658, by which all the Danish provinces beyond the Sound were ceded to Sweden. So that even this pretext for levying the Sound dues has ceased to exist for nearly two centuries.

It is true that for several centuries Denmark has continued to levy these dues; and she now claims this as a right "upon immemorial prescription, sanctioned by a long succession of Treaties with Foreign powers." But the foundations of this

[1] MSS. Department of State, Instructions, Denmark, XIV. 59; H. Ex. Doc. 108, 33 Cong. 1 Sess. 38

claim were laid in a remote and barbarous age, even before the discovery of America; and the reasons which are now alleged in its support have no application whatever to the United States. They apply exclusively to the nations of Europe.

It may be said, that the Fifth Article of our Treaty with Denmark of the 26th April, 1826, gives an indirect sanction to this practice, by providing that "Neither the vessels of the United States nor their cargoes shall, when they pass the Sound or the Belts, pay higher or other duties than those which are or may be paid by the most favored nation." But this article does not recognise the right of Denmark to levy these duties. It is a mere submission to the practice for a period of ten years; and the Government of the United States may now, at any moment, give the notice required by the Treaty, and thus terminate it at the end of one year.

These duties are both vexatious and onerous to our navigation. The loss of time and delay of our vessels at Cronberg Castle, whilst the duties are assessed and paid, constitute a serious annoyance and injury to our commerce. Besides, the amount of duties is so great as to be a heavy burden upon our trade to the Baltic. Your predecessor, Mr. Irwin, in a despatch under date of the 3rd June, 1847, No. 121, to which I refer you, has furnished the Department with tabular statements of the amount of these duties exacted from American vessels for a period of sixteen years, from 1828 to 1843, both inclusive; from which it appears, that the average for each year would amount to $107,467.71. According to these statements, the average tonnage of our vessels going through the Sound, during these years, was 21,415, and that returning was 21,108 tons. This sum would, therefore, be about equal to an average tonnage duty upon each vessel, for passing and re-passing the Sound, of five dollars per ton, including both voyages. Besides, there are other charges for light-money, fees, &c. This large tax is paid by vessels of the United States for liberty to pass through a Strait between two seas, which, by the law of nature and of nations, is free and open to all mankind! The United States have thus long submitted to the exaction from deference and respect for Denmark; but it cannot be expected, great as is our regard for that ancient and respectable power, that we shall submit to it much longer.

The 11th Article of our existing Treaty with Denmark provides "that the present Convention shall be in force for ten years from the date hereof, (26th April, 1826,) and further, until the

end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same." Congress may, therefore, at any moment, authorise the President to terminate this Convention,—a Convention, I venture to say, more favorable in its terms to the commerce and navigation of Denmark than any which now exists or has existed between her and any other nation.

Perfect reciprocity, in the direct trade, between any two countries, is always just. The vessels of both, carrying the productions of either between the ports of these countries, ought to be placed upon the same footing. Be the amount of this trade great or small, they ought equally to participate in its benefits. This rule, however, is based upon the presumption that the one party shall not, on its part, have restricted the mutual trade by establishing unreasonable and extravagant import duties upon the productions of the other. Whilst this rule is just in regard to the direct trade between any two countries, let us examine the question for a few moments in regard to the indirect or triangular trade between Denmark and the United States. Our Convention with Denmark opens to her navigation not only the direct trade, but it enables her vessels to go all over the world, and bring the productions of every clime to this country upon the same terms with American vessels. But it may be said that similar advantages are secured by the same Convention to vessels of the United States in the ports of Denmark. Whilst this cannot be denied, it is yet manifest that such a concession to our vessels is far, very far, from being a fair equivalent for the privileges which Danish vessels enjoy in our ports. The United States now extend across the whole Continent of North America, and have a front of Twenty-two degrees of Latitude upon the Atlantic, and Seventeen degrees upon the Pacific Ocean. On both oceans, we have numerous and excellent harbors inviting foreign trade. We now number at least twenty millions of industrious and prosperous people, able and willing to pay for foreign commodities, whilst our exports are immense. The vessels of Denmark enjoy the privilege, under the Convention, of transporting from all other foreign countries to the United States every article required for the consumption of our population, and of exporting from the United States to all foreign countries our productions, upon the same terms with our own vessels.

Now what is the supposed equivalent? Denmark is comparatively a small and poor country, in a high and severe northern

Latitude. Its population does not much exceed two millions. Its exports are not great, and its people consume comparatively but a small amount of foreign productions. American vessels may, it is true, under the Convention, transport to and from Denmark the productions of third countries, upon the same terms with Danish vessels; and this is the compensation which we receive for all the superior advantages which we confer. It would perhaps not be extravagant to assert, although I have not made the calculation, that, under the present Convention, we offer to Denmark ten times the quantity of productions for the employment of her navigation in the indirect or triangular carrying trade, which she can offer to the navigation of the United States. The truth is, that so far as regards this trade, the reciprocity of the Convention is but a mere name.

But to make the inequality still greater, the Sixth Article of the Convention excepts from its provisions Iceland, the Ferroe Islands, Greenland, and her Colonial possessions beyond the Cape of Good Hope.

It is not my purpose to enumerate the immense advantages, present and prospective, which Denmark enjoys under the Convention, in the encouragement of her commercial and military marine, and in the promotion of her national wealth and prosperity.

It is certain that we shall, hereafter, conclude no such unequal Treaties with Foreign Powers like Denmark, without equivalents to the United States to compensate, in some degree, for the superior advantages which we may grant over those which we receive. The late Treaty with Hanover, (of which I transmit you a copy with the accompanying correspondence sent to the Senate,) was the commencement of a new era in our commercial policy. This will sufficiently explain itself, without any observations on my part. Under its provisions, you will perceive that we have obtained equivalents for the advantages which we have conferred.

It will be admitted by all, that the commercial marine of Denmark is much more capable than that of Hanover of availing itself of these advantages, and of becoming successful competitors with us in the indirect trade. Why, then, should not Denmark grant us, also, fair equivalents for these advantages? We desire to accept as an equivalent from Denmark the abrogation of the Sound and Belt dues, rather than assert our rights against her under the Law of Nations. Let Denmark perform this act of justice, and the President is willing that you shall conclude a

new commercial Treaty with the Danish Government, upon the same terms with the present Convention, to continue for a period of ten or twelve years, reserving the usual right to either of the parties to terminate it at the end of this period by giving a year's notice.

Instead of the Fifth Article of the present Convention, something like the following might be inserted in the new Treaty:

*Article* 5. Vessels of the United States in passing and repassing the Sound and the Belts, shall be forever exempt from the payment of any duties, either upon their tonnage or their cargoes.

Light-money, and other reasonable charges now existing, if disconnected from charges or fees for levying and collecting the Sound and Belt dues, may still be continued. Of these, you will be the best judge.

It would be desirable that the proposed Fifth Article should be expressly excepted from the operation of any notice which may be given by either party to terminate the new Treaty, and be thus rendered perpetual. Upon this, however, you are not to insist as a *sine qua non;* because if the Sound dues should be suspended for a period of ten or twelve years, it is highly improbable that they can ever afterwards be revived.

But the President is willing to proceed still further, if the object cannot otherwise be accomplished. It is probable that two years might elapse before the existing Convention could be terminated, as an Act must first pass Congress to enable the President to give the required notice; after which a year must expire before it could be rendered effectual. During the whole period our vessels would be subject to the Sound dues under the present Convention. For this reason, if you should find it indispensable to success, but not otherwise, you may stipulate to pay the Government of Denmark a sum not exceeding $250,000; but, in that event, the abrogation of the Sound and Belt dues must be made perpetual, and must be excluded, in express terms, from any notice which may hereafter be given by either party to terminate the Treaty.

From the enclosed tables, which I have just received from the Treasury Department, you will perceive how very inconsiderable our direct trade is with Denmark, in Europe; whilst in the year 1847, 44 Danish vessels entered our ports, all of which, with three exceptions, arrived from other portions of the world and were engaged in the triangular or indirect trade. It is, also,

worthy of remark, that since the Tariff of 1846, the Danish tonnage employed in this trade, for 1847, has nearly doubled.

For highly important information on the subject of these dues, I refer you to Maegregor's Commercial Regulations, vol. 1, chapter 3, Title Denmark. Or the same Author's Commercial Statistics, vol. 1, page 165.

If you could procure from the Danish Government the abolition of its transit duties on American productions in the Duchies, and wherever else they may exist, this would be very desirable; and for this purpose, you can use our Treaty with Hanover to great advantage.

I would thank you to complete Mr. Irwin's tables, up to the present time, and transmit copies to the Department.

Should it become expedient to address a note to the Danish Minister for Foreign Affairs, on the subject of the Sound dues, you may quote such portions of this despatch as you may, in your discretion, deem appropriate and useful. But this is left entirely to your own judgment.

You are now intrusted by the President with a most important negotiation. Should you prove successful, this will reflect high honor upon yourself and promote the best interests of your country. May success attend you!

I am, Sir, respectfully, Your obedient servant,

JAMES BUCHANAN.

ROBERT P. FLENNIKEN, ESQRE.,
&c., &c., &c., Copenhagen.

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## TO MR. BILLE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 16th October, 1848.

MR. STEEN BILLE,
&c. &c. Denmark.

SIR:

I have the honor to acknowledge the receipt of your note of the 14th instant, enclosing a protest of Captain C. Ipland, of the Danish Brig Adeline, which has been libelled in Boston, to answer in damages for an alleged breach of Patent right, by the Inventor, Mr. John Brown, and asking the intervention of this Government.

[1] MSS. Department of State, Notes to Danish Legation, VI. 23.

In reply, I beg leave to inform you that as the question has been regularly brought before the Circuit Court of the United States in Massachusetts, where it is to undergo judicial investigation, the Executive Branch of the Government possesses no power to interfere with the proceedings in the case. Justice, according to law, must be administered by the appropriate Judicial Tribunals.

I am, Sir, with great consideration,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. BANCROFT.[1]

No. 41. DEPARTMENT OF STATE.
WASHINGTON, 23d Octr., 1848.

GEORGE BANCROFT, ESQRE.,
&c., &c., &c.

SIR:

Your despatches to No. 92, inclusive, have been duly received at this Department.

Mr. Joaquin de Osma, late Envoy Extraordinary and Minister Plenipotentiary from Peru to the United States, passed through this city a few days ago, on his way from Lima to London to represent his country in the same character in Great Britain. My official and personal intercourse with that gentleman was highly satisfactory throughout his mission. He is an able and estimable man; and his principles and feelings are all opposed to any interference on the part of Great Britain or other European nations with the domestic concerns of the Spanish American Republics on this continent.

Mr. Osma informed me, in conversation, that Señor Castro, Governor of Costa Rica, as he had been credibly informed, had offered to place that State under the protection of the British Government. He will himself communicate the details to you. You will perceive from the enclosed extract from the instructions given by this Department to Mr. Hise, our Chargé d'Affaires to Guatemala, in what light the President would view the conduct of that Government, should they accept this offer. Although, for

[1] MSS. Department of State, Instructions, Great Britain, XV. 368. The first two paragraphs of this instruction are printed in H. Ex. Doc. 75, 31 Cong. 1 Sess. 221; the second two, in H. Ex. Doc. 10, 30 Cong. 2 Sess. 24.

the present, I am not prepared to give you any positive instructions on the subject, yet, nevertheless, you will be vigilant in ascertaining whether the information of Mr. Osma be well founded, and, should this prove to be the case, in preventing, unofficially and by conversation, in the proper quarter, the acceptance by Great Britain of the proffered protectorate.[1]

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I have this moment received your despatch No. 92, and have only time before the closing of the mail to say a few words in relation to it.

Treason cannot be committed by a citizen of the United States against a foreign Government; and we are bound by every principle of public faith and national honor to maintain this doctrine as firmly in favor of our naturalized as our native citizens. I should trust that the British Government are not prepared, by the trial of Mr. Richard Ryan for treason, to precipitate a question which must produce such a tremendous excitement throughout our country, especially when this can be so easily avoided. If Ryan has violated the laws of Great Britain within her dominions, he can be tried and punished for an offence of a different denomination.

Yours, very respectfully,

JAMES BUCHANAN.

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## TO MR. MACAULEY.[2]

No. 2. DEPARTMENT OF STATE,
WASHINGTON, 25th October, 1848.

DANIEL S. MACAULEY, ESQRE.,
etc., etc., Alexandria, Egypt.

SIR:—

I wrote to you on the 23rd instant, informing you of the causes which had delayed the transmission of your commission and instructions, as Consul-General of the United States for Egypt. It is presumed that letter, numbered 1, will have reached you before the arrival of the Frigate Constitution, which bears this despatch, and whose Commander has been ordered to convey you to Alexandria.

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[1] Here follows a passage relating to the auditing of Mr. Bancroft's accounts.

[2] MSS. Department of State, Instructions, Barbary Powers, XIV. 72.

Your salary as Consul at Tripoli will cease on the 31st instant, and that as Consul-General to Egypt, at the rate of $3000 per annum, will commence on the next day. A Letter of Credit on the Bankers of the United States in London, authorizing them to pay your salary, and the expenses of the Consulate, is herewith transmitted.

There is an existing appropriation of $500 per annum for the pay of Interpreters and guards, and for other expenses of each of the Consulates at Constantinople, Smyrna, and Alexandria. The amount appropriated for the latter Consulate will be subject to your draft on that account. But, as the expenses incident to a Consulate General will probably exceed those of the former Consular grade at Alexandria, the Bankers will be instructed to pay your drafts, for expenses, to the further amount of $500 per annum.

You will, in your drafts on the Bankers, designate, particularly, the account for which they may be drawn,—whether for salary, for Interpreter, Guards, etc., etc., or for other contingent expenses.

Before quitting Tripoli, you will make and transmit hither an Inventory of the property and archives of the Consulate, and cause them to be deposited in the custody of some trustworthy person. You will take care to make such explanations to the authorities at Tripoli as will satisfy them on the subject of your departure; and you may assure them that the President will speedily appoint your successor. In the meantime, you will see that the affairs of the Consulate are left in proper hands, and inform the Department whom you shall have appointed to take charge of them.

You are now furnished with a Letter of Credence to the Pacha of Egypt, which will be presented by you in the usual form; and you will avail yourself of the occasion to inform His Highness of the friendly disposition of the President, and of his earnest desire to cultivate and to perpetuate the most amicable relations between the United States and His Pachalic.

For the use of your Consulate, I have ordered a series of the books and documents, (usually transmitted to new Legations,) sent to you; of which a List is, herewith, enclosed.

You will lose no time in transmitting to the Department a satisfactory official Bond; of which a blank form is enclosed, and respecting which I need give you no special instructions.

A copy of the Consular Instructions is, also, sent to you.

I transmit, herewith, a printed copy of the "Personal Instructions," (with a Supplement,) prescribed by the Department of State for the Government of the Diplomatic Agents of the United States in Foreign Countries; and call your special attention to those portions which are applicable as directions to guide your official conduct.

Your mission, both Consular and political, is one of great importance; and you have been selected for the station on account of your long experience at Tripoli, and the acceptable manner in which you have performed your duties there. We have, heretofore, had no direct Diplomatic relations with the Pacha of Egypt, and but very little commercial intercourse with his dominions. But, nominally dependent upon the Porte, Egypt has become, in point of fact, an Independent Power; and it is of great importance that we should cultivate the most friendly political relations with the Pacha. But few persons can be better qualified than yourself to accomplish this object, considering your long residence on the Coast of Barbary, and your acquaintance with the manners and customs of the people.

Another principal object of your mission will be, to extend and foster the commercial intercourse between the United States and Egypt. For this purpose you will obtain all the commercial and statistical information concerning that country which you can acquire, and communicate it to the Department, together with such suggestions, from time to time, as you may deem important for the accomplishment of this object. The subsisting relation between the Government of Egypt and the Porte is, also, an object of much interest. Indeed, you are instructed to exercise the utmost vigilance in all which regards the interests of your country, and communicate in detail your observations to the Department. I shall await with much interest the account of your reception by the Pacha.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO MR. BANCROFT.[1]

(No. 42.) DEPARTMENT OF STATE,
WASHINGTON, 28th Octr., 1848.

GEORGE BANCROFT, ESQRE.,
&c., &c., &c.

SIR:

Your despatch, No. 93, has this moment been received, and will be communicated to the Postmaster General.

Upon consultation with the President and the Attorney General, then acting Secretary of State, they say that it was not intended, by the despatch to you of the 4th September last, to pledge this Government, as you have inferred, to engage counsel at the public expense to defend American citizens who have been arrested in Ireland under a charge of sedition and treason.—The language employed was, that, "in such cases, it will be the right and the duty of the Government to see that the persons arrested have the full benefit of a legal defence," not that the Government itself should undertake, at its own charge, to conduct this defence. Without an act of Congress appropriating money for this purpose, there would be no fund under the control of the Department from which the expense of such trials could be drawn.

Mr. Richard F. Ryan obtained a passport, in the usual form, from this Department on the 17th May last, upon the production of his certificate of naturalization. He stands, therefore, precisely upon the same footing as though he had been born within the United States. I find, however, that I was too hasty in stating, as I have done in my last despatch, that treason could not be committed by a citizen of the United States against a foreign Government.

Blackstone, in his Commentaries, vol. 1., page 369, says that allegiance is distinguished by law "into two sorts or species, the one natural, the other local; the former being also perpetual, the latter temporary." Again: "Local allegiance is such as is due from an alien or stranger born, for so long as he continues within the King's dominions and protection; and it ceases the instant such stranger transfers himself from his kingdom to another."

According to British law and practice, therefore, aliens guilty of treasonable acts, whilst residing in England, are tried and

[1] MSS. Department of State, Instructions, Great Britain, XV. 370. This entire instruction, except the first two paragraphs, was printed in H. Ex. Doc. 10, 30 Cong. 2 Sess. 25.

punished for high treason. Vide I. East's Crown Law, page 52, IV. Blackstone's Commentaries, page 74. Vide, also, I. East's Crown Law, page 115, in regard to the form of an indictment for high treason. I take it, also, that, even in this country, a foreigner whilst enjoying the protection of our laws, and consequently owing temporary allegiance to our Government, might, during this period, commit treason against the United States, "in levying war against them, or in adhering to their enemies, giving them aid and comfort." Indeed, this seems to have been taken for granted by Chief Justice Marshall, in delivering the opinion of the Court in the case of the United States v. Wiltberger, 5th Wheaton, 97, when he says that "treason is a breach of allegiance, and can be committed by him only who owes allegiance, *either perpetual or temporary*. The words, therefore, owing allegiance to the United States, in the first section [of the Act for the punishment of certain crimes against the United States, approved April 30th, 1790,] are entirely surplus words, which do not, in the slightest degree, affect its sense. The construction would be precisely the same were they omitted."

Sad indeed might be our condition should numerous emigrants hereafter arrive in our country, in times of difficulty and danger, possessing a different spirit towards our institutions from that with which they have been heretofore animated, if none but citizens of the United States could commit the crime of treason.

It may also be observed, that the words employed in the first section of the act to which I have referred, are, "any person or persons," not any citizen or citizens of the United States, &c., &c., &c.

I have deemed it proper to make these suggestions, in order to correct a mistake into which we have both fallen.

The President has been highly gratified with your efforts in favor of our unfortunate citizens who have been arrested in Ireland, charged with sedition and treason against the British Government, and feels confident that you will continue to aid them by every means proper to be employed by an American Minister, under such circumstances. I need scarcely add, that whenever the occasion may require it, you will resist the British doctrine of perpetual allegiance, and maintain the American principle, that British native born subjects, after they have been naturalized under our laws, are, to all intents and purposes, as much American citizens, and entitled to the same degree of protection, as though they had been born in the United States.

I transmit herewith the explanation of Mr. Pleasonton which in my last despatch I promised to send.

Yours, very respectfully,

JAMES BUCHANAN.

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## TO MR. DONELSON.[1]

(No. 21.) DEPARTMENT OF STATE,
WASHINGTON, 30th October, 1848.

ANDREW J. DONELSON, ESQRE.,
&c., &c., Frankfort.

SIR:

I wrote to you on the 28th ultimo, and have now to acknowledge the receipt of your despatches from 3 to 9 inclusive, and your private letter of the 25th ultimo.

Your despatch No. 11, conveying the request of the Minister of Commerce of the Central Government of Germany, that this "Government may grant the favor to cause an officer of the American Navy, of a high station, who has already been in command of a man-of-war, and who is perfectly acquainted with the requisites of the Marine, ship-building, sea-ports, and Fortifications, to enter the service of the Central Power of Germany, in order to assist in the organisation of the German Fleet with all proper requisites," was submitted on the day of its receipt, (the 28th instant,) to the President. After consultation with the Cabinet, he has directed me to say, that he feels deeply sensible of the distinguished honor conferred upon our gallant Navy by this request, proceeding as it does from the Central Government of the great and enlightened German Nation. Ever ready and anxious to foster the friendship now so happily existing between the two countries and to promote the prosperity of the German Confederation in every manner consistently with his public duty, he is willing to do all in his power to accomplish the object which they have in view.

He does not believe, however, that it is competent for him, without the authority of Congress, to order one of our naval officers to enter the service of Germany. All that he can do, under the circumstances, would be, to communicate the invitation of the Central Government to one of our able and efficient naval Captains, and, upon his request, to grant him leave of absence for

[1] MSS. Department of State, Instructions, Prussia, XIV. 134.

six or nine months; such grants being often made to our naval officers, for various reasons, to enable them to visit foreign Countries. During this period such officer might visit Frankfort and make his own arrangements with the Government of the Germanic Confederation. Should these prove satisfactory, he might then either resign his commission in the navy of the United States and enter the German service exclusively, or he may apply to Congress, which will meet in less than forty days, for permission to retain his rank in the American Navy whilst engaged in the service of Germany. Such permission would, I think, be granted. As soon as the officer shall have been designated, I will write you again.

You will have seen that your Address to the Arch-Duke John, and his reply, have been officially published; the latter in conformity with the corrected speech transmitted in your No. 5. Your remarks were entirely approved by the President and this Department; and the friendly observations of the Vicar, whilst they afforded real satisfaction to this Government, appear, also, to have been received by our citizens with general and well merited favor.

I shall write to you by the next Steamer in regard to a Commercial Treaty with the Germanic Confederation. Considering that no Constitution has yet been adopted by the German Parliament; that the respective rights of the Central and State Governments have not yet been adjusted; and that we have already commercial Treaties of the most liberal character with all the States of Germany which possess any sea-ports, the President believes it would now be premature to transmit you full powers and instructions to conclude a Commercial Treaty with the Central Government. As at present advised, he will wait at least until that Government shall so far have undertaken the charge of the Foreign Affairs of Germany as to appoint a Minister to the United States. Indeed I expected that ere this we should have received notice of such an appointment.

Mr. Fay's letters, from 4 to 11 inclusive, have also been received at the Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO MR. RANDOLPH.[1]

DEPARTMENT OF STATE,
WASHINGTON, 30th October, 1848.

THOMAS JEFFERSON RANDOLPH, ESQ.,
Washington, D. C.

SIR:

I have to acknowledge the receipt of your letter of this date, accompanied by "all the papers and manuscripts of the late Thomas Jefferson, both of a public and private nature," to be deposited in this Department pursuant to the Act of Congress approved 12th August last. The certificate which you request is herewith communicated. Your wish in regard to a return of such of the papers as are of a private character shall receive proper attention so far as this Department is concerned.

I am, Sir, &c.,

JAMES BUCHANAN.

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## TO MR. MARSTON.[2]

DEPT. OF STATE, 31 Oct. 1848.

JOHN M. MARSTON ESQR.
U. S. Consul, Palermo.

SIR.

Your No. 63, of the 11th July last, was received at the Department, on the 2d Septr. It was not immediately answered, because it was supposed that your recognition of the independence of the Sicilian Government, being a mere nullity in itself, would pass away & be forgotten. Besides, the Department was unwilling to censure an act which beyond doubt proceeded from patriotic & pure motives.

It would seem, however, from your No. 66, of the 28th of August, received on the 19th inst., & the enclosed copy of a note of the 24th August, addressed to you by the Marquis of Torrearsa, that the new Sicilian Government views the subject in a different light, and for this reason a longer silence on my part would be improper.

It is very true that the Government of the U. S. has, from its origin, always recognized de facto Governments, as soon as

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[1] MSS. Department of State, 37 Domestic Letters, 51.

[2] MSS. Department of State, Despatches to Consuls, X. 480.

they have clearly manifested their ability to maintain their independence. We do not go behind the existing Government to involve ourselves in the question of legitimacy.

But what authority is to recognize, upon the application of these principles to a new Government claiming to exist over an Island which constituted an integral part of the dominions of a Sovereign with whom our relations are of a friendly character? This act of high sovereign power certainly cannot, without instructions, be performed by a Consul, whose functions are purely commercial; and he ought never, under any conceivable circumstances, to assume such a high responsibility. In the U. S. such a recognition is usually effected, either by a nomination to and confirmation by the Senate of a Diplomatic or Consular Agent to the new Government, or by an Act of Congress. The latter course was adopted in the recognition of the independence of the Spanish American Republics; but not till, after a struggle of several years with the Mother Country, they had clearly manifested their ability to maintain their independence. Vide the Act of Congress approved 4th May, 1822, "making an appropriation to defray the expenses of missions to the independent nations on the American Continent."

On the 22d of March, 1848, T. W. Behn, of Kentucky, was confirmed by the Senate, "to be Consul of the U. S. for the Port of Messina, in the Kingdom of the Two Sicilies."

On the 27th of March, his Commission was transmitted to Mr. Rowan, our Chargé d'affaires, at Naples, with the usual instructions to "apply to the Government of the Two Sicilies for an Exequatur, to be transmitted when obtained, with the Commission, to Mr. Behn, at the place for which he has been appointed."

It seems that Mr. Rowan, as was his duty, has obtained this Exequatur from the King of the Two Sicilies; and it is hoped that no impediment may be interposed by the new Government of Sicily to the performance by Mr. Behn of his Consular duties, which are purely commercial, & equally beneficial to both countries.

The President has no desire to delay the recognition of the independence of the Sicilian Government on the part of the U. S. a single moment beyond the time when this acknowledgment can be made in conformity with our uniform practice, since the origin of the Government. On the contrary, we can never be indifferent spectators to the progress of Liberty throughout the

world: and we acknowledge, in the fullest manner, the right of all nations to create & reform their political institutions according to their own will & pleasure.

Your Nos. 60 to 66 inclusive have been received.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO MR. CAMPBELL.[1]

DEPT. OF STATE, NOV. 1, 1848.

SIR: I have received your letter of the 23d ult. referring to the case of Wm. S. Bush, steward of the American Barque "Childe Harold," arrested on board that vessel, charged with the delivery of various packages of papers calculated to create an insurrectionary spirit among the inhabitants of Cuba. Your course in this matter is fully approved: and I have to request, that you will continue towards him all proper countenance & support.

The American Masters in the port of Havana, to whom you refer, are entirely mistaken in supposing that it would be a violation of the national flag, & national honor, to arrest one of the crew of a merchant vessel which had voluntarily entered that port, for a crime committed within the local jurisdiction. To use the language of C. J. Marshall, in delivering the opinion of the Court in the case of the Schr. Exchange vs. McFadden & others, (7th Cranch 144) "When private individuals of one nation spread themselves through another, as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, *or when Merchant vessels enter for the purposes of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the Government to degradation, if such individuals or merchants did not owe temporary & local allegiance, and were not amenable to the jurisdiction of the Courts.*" In the U. S. we should be in a sad condition, if this were not the case, and if all crimes committed on board of foreign merchant vessels in our numerous ports should pass unpunished, and all criminals who could make their escape on board such vessels should be protected from arrest. In the opinion to which I have referred, the Chief

[1] MSS. Department of State, Despatches to Consuls, X. 403; S. Ex. Doc. 33, 30 Cong. 2 Sess. 2.

Justice (page 156) correctly says: "The jurisdiction of the nation within its own territory is necessarily exclusive & absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its Sovereignty to the extent of the restriction, and an investment of that Sovereignty, to the same extent, in that power which could impose such restriction."

I am, Sir, respectfully, &c.

JAMES BUCHANAN.

R. B. CAMPBELL ESQ.
U. S. Consul, Havana.

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## TO MR. DONELSON.[1]

(No. 22.) DEPARTMENT OF STATE,
WASHINGTON, 6th November, 1848.

ANDREW J. DONELSON, ESQRE.,
&c., &c., Frankfort.

SIR:

In compliance with the promise contained in my last despatch, (No. 21,) I now write to you on the subject of a Treaty of Navigation and Commerce with the German Confederation. Whilst the President is not only willing but anxious to conclude such a Treaty, he desires first to have some assurance that the Central Government possesses the authority to accomplish this desirable object. No Constitution has yet been adopted by the German Parliament; and your own despatches prove that the separate States have not yet consented that the Central Government shall conduct and control the foreign relations of the Confederacy. On this subject, all yet remains in doubt. Meanwhile, we have subsisting Treaties, of the most liberal character, both of direct and indirect reciprocity, with Austria, Prussia, Hanover, Oldenburg, Mecklenburg-Schwerin, Hamburg, Bremen, Lubeck, and Denmark, for the Duchy of Holstein. These comprehend all the German Sea-Coast and Maritime States. Under such circumstances, it would doubtless be viewed by these States in the light of an unfriendly interference with the domestic concerns of Germany, if we should commence the negotiation of a Treaty with the Central Govern-

[1] MSS. Department of State, Instructions, Prussia, XIV. 137.

ment, before they had either directly or indirectly authorized it to conclude a Treaty, more especially as this Treaty would necessarily supersede all our existing Treaties with them. Besides, you express serious doubts whether Austria will not withdraw altogether from the Confederation.

In your despatch No. 1, from Frankfort, it appears that Mr. Duckwitz proposes to conclude "a general Treaty, such as we have with the Hanse Towns and Prussia." The Fourth Article of this Treaty, of the 20th December, 1827, with the Hanseatic Republics, is liable to serious objections. According to our laws, vessels of the United States are only such as are built within the United States, or lawfully condemned as prize of war, or are adjudged to be forfeited for a breach of the laws; whilst under this Article, the citizens of these small Republics may go abroad all over the world and purchase their vessels at the cheapest rate, and with them enter into equal competition with our own vessels for the whole foreign trade of the United States. Under this provision, the navigation of Bremen and Hamburg has greatly increased. The Fifth Article of our Treaty with Hanover was intended to place the parties to it on an equal footing in this respect, as well as to benefit, by mutual reciprocity between them, the important interest of American ship-building. We should be very unwilling to dispense with a similar provision in any Treaty which we may conclude with the Central Government of Germany.

Admitting that, in the conclusion of a Treaty, you could obtain a reduction of the duty on Tobacco, from 5½ to 3 German Thalers per centner, and that, as you say, "it would be easy to demonstrate that the duty on Tobacco, thus reduced, would be a greater benefit to us than any we possess from any existing Treaty, or any that we are likely to acquire by separate Treaties with the States of the Germanic Confederation," yet still we should remember that this duty has been reduced to 70 cents upon the hundred pounds, of our currency and weight, by Treaties with Hanover, Oldenburg, and Mecklenburg-Schwerin. This fact may be used with advantage, and ought to be used, to obtain a reduction of duty on tobacco below three German Thalers per centner.

But will the Central Government agree by Treaty to reduce the duty on Tobacco to 3 Thalers per centner? Your despatches taken altogether would induce me to doubt this fact; whilst a letter received from Mr. Graebe, under date of the 9th ultimo,

affirms positively that some of the German Ministers had declared to him, in conversation, that they could not stipulate by Treaty for this or any other reduction of duty, "nor advocate with the national Assembly any other Treaty than a mere Commercial Treaty, like that of the 20th December, 1827, concluded between the United States and the Hanseatic Towns." They consider that "All other points, such as a reduction of the duties on goods or produce, which belong in both Countries to the Legislative power, should be left out of the Treaty." He further states, that "the Ministers of Commerce and Finance are willing to propose the rate of 3 Rix Dollars as the duty on Tobacco, and a similar reduction on the present rate of rice, and believe to succeed at this rate. The transit and river duties so much complained of will be entirely removed."

If Mr. Graebe's statements be well founded, (I hope they may not be,) it would certainly be unwise to conclude a Treaty with the German Confederation before the Parliament had, by positive enactment, made these reductions and abolished the transit duties. Should we do this, we might abandon all the advantages we derive from our Treaties with Hanover, Oldenburg, and Mecklenburg-Schwerin, and receive nothing in return.

I repeat that the President is anxious to conclude a Treaty with the German Confederation; but, under existing circumstances, he is not yet prepared to grant you the necessary Powers for this purpose.

In your last despatch, of the 8th of October, you state, that "the mission from this Government to ours is postponed a few days, under the expectation that the States which are parties to the Federal Government will be willing to withdraw their separate missions, and confide their general interests, growing out of the intercourse with Foreign Powers, to the appointments from Frankfort." The moment the President learns that this expectation has been realized, we shall transmit you instructions and full powers to conclude a Treaty with the German Confederation. If such a Treaty were negotiated and submitted for approval to the Parliament before the appropriate period, this might prematurely produce a crisis between the States and the Central Government, and thus jeopard the very existence of the Federal Union itself, which we are so anxious to see firmly established.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

## TO MR. VERPLANCK.[1]

DEPARTMENT OF STATE,
WASHINGTON, Novr. 6th, 1848.

HON: G. C. VERPLANCK
New York.

SIR,

I have received your letter of the 3rd inst. addressed to me on behalf of the Board of Commissioners of Emigration of the State of New York, referring to the existence "of an organized system of impositions, at the principal points of Emigration from Europe, in the Ports of Great Britain and Ireland, as well as those on the Continent, by which great and frequent frauds are committed in relation to the passages of Emigrants to the interior of the United States;" together with a printed copy of "Circular prepared under the authority of the Board with the design of exposing these frauds, thus setting the Emigrants on their guard against them." In the promotion of an object so honorable and benevolent, your Board may fully rely on the aid and support which this Department can properly afford. In reply to your suggestion that copies of this Circular be transmitted to the several Consuls of the U. States at all the points of great Emigration to this Country, and your offer to furnish them for that purpose, I have to state that I will, with great pleasure, cause them to be so addressed, with such instructions as may be best calculated to ensure the results you have in view.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO PRESIDENT POLK.[2]

WASHINGTON 9 November 1848.

SIR /

I have received your letter of the 30th September last, inviting my attention to two publications in the New York Evening Post, bearing the signatures of Benjamin Tappan &

[1] MSS. Department of State, Despatches to Consuls, XII. 407. A copy of the circular above mentioned was sent by Mr. Buchanan on Nov. 13, 1848, to various consuls in Europe. (Ibid.)

[2] Buchanan Papers, Historical Society of Pennsylvania. See President Polk to Mr. Buchanan, Sept. 30, 1848, supra.

Francis P. Blair: and requesting me to furnish you a statement of all I may know of any opinions, views, or acts of yours, as well before as after your inauguration as President, relating to the subject of the annexation of Texas to the United States.

It is proper, before I proceed to state my knowledge upon this subject, that I should declare, in answer to one of your inquiries, that when the subject of the annexation of Texas was before the Senate of which I was then a member, I had no knowledge nor information of the statements made by Messrs. Tappan & Blair in their publications.

On the day, or the day but one, after your arrival in this City on the evening of the 13th February 1845, you tendered me the office of Secretary of State. Between that time & the day of your inauguration, I saw you frequently and had several confidential conversations with you on various topics connected with the policy you intended to pursue as President of the United States; but in none of these did you ever express any preference either for the House resolutions, or the resolution of the Senate, for the admission of Texas into the Union, nor had I ever heard it intimated that you had expressed such a preference to any other person. I might add, that according to my best recollection, I had no knowledge of which alternative you would adopt until Monday the 10th March 1845, the day of the first regular Cabinet Meeting.

On the morning of that day I was qualified as Secretary of State before Judge Catron & immediately entered upon the duties of the office. Afterwards, on the same morning, I read in Cabinet the Despatch of Mr. Calhoun to Mr. Donelson, dated on the 3d March 1845, by which the latter was instructed to present to the Government of Texas, as the basis of the admission of that State into the Union, the two first resolutions as they had passed the House of Representatives. Some member of the Cabinet, I do not now recollect the individual, suggested, that as President Tyler had already made his election in favor of the House Resolutions, it was doubtful whether President Polk possessed the power to reverse this decision of his predecessor & adopt the third resolution or amendment of the Senate. This question was not decided; because it was found, after a brief interchange of opinions, that yourself & all the members of the Cabinet, without hesitation, were clearly & decidedly in favor of the House Resolutions, in preference to the Resolution of the Senate. We all then believed, as I still believe, that the selection

of the Senate's amendment would have delayed & jeoparded, if it had not altogether defeated, the annexation of Texas. There was not the least hesitation, on your part, in arriving at this conclusion.

This point being settled, after consultation with the Cabinet, you deemed it important that a Despatch should be immediately transmitted to Mr. Donelson confirming the selection which had been made by Mr. Tyler of the House resolutions; but modifying Mr. Calhoun's Despatch in certain particulars which I need not specify. I then left the Cabinet in session, completed my despatch of the 10th March, & obtained your approval of it on the same evening, & sent it off to Mr. Donelson by the late Governor Yell of Arkansas.

In all our subsequent intercourse, I have never heard you utter a sentiment inconsistent with the strong opinion which you expressed, at the first Cabinet Meeting, in favor of the House Resolutions.

Yours very respectfully

JAMES BUCHANAN.

HIS EXCELLENCY JAMES K. POLK.

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## TO MR. GRAHAM.[1]

DEPARTMENT OF STATE,
WASHINGTON, NOVR. 11TH, 1848.

JOSEPH GRAHAM, ESQRE.
U. S. C. Buenos Ayres

SIR,

Your despatches as Acting U. S. Consul at Buenos Ayres to No. 21, inclusive, have been received.

In reference to the case of the Barque "Ellen Augusta," which Vessel, as appears from your No. 18, was sold to Hugh E. Fiddis, a Citizen of Baltimore, and came to Buenos Ayres with a Sea-letter, signed by Gorham Parks, U. S. Consul at Rio de Janeiro, in the body of which the following was inserted as a parenthesis, viz.: "I engage and agree that if this Sea-letter is found with the Bark 'Ellen Augusta' on the Coast of Africa, it shall be considered prima facie evidence that the said 'Ellen Augusta' is engaged in illegal traffic connected with the *Slave trade*"—I have to state, that no instructions have been given to

[1] MSS. Department of State, Despatches to Consuls, XIII. 120.

Mr. Parks to prohibit American Vessels sailing under a Bill of Sale, by inserting such a clause therein, from going to the Coast of Africa, or to that of any Country which she might have a right to do, under her original Register. On the contrary, Mr. Parks was instructed that the Bill of Sale properly authenticated, and reciting at length the original certificate of Registry, became the substitute on board of the Vessel for that Certificate "until her first arrival in the United States thereafter." I enclose herewith a copy of the instructions given to Mr. Parks, under date of 26th May, 1847, upon the question presented by him, whether in case of the sale of an American Vessel in a foreign port to an American Citizen, all the formalities required by law to render such sale valid being complied with, she is bound to return to the United States for a new Register, before she can undertake another voyage, and request that you will be guided by them in all cases of such sales within your jurisdiction.

A copy of your No. 19, giving an account of the loss of the American Brig "Angeline," and of the noble and generous conduct of the Master of the Danish Schooner "Estevan," by whom seven of her Crew were saved and taken to Buenos Ayres, has been referred to the Comptroller of the Treasury, with a view to his authorizing the proper compensation to the owner of the "Estevan" for the provisions consumed by these men, during the two months they were on board of his Vessel.

Your draft dated 23rd June, 1848, for $96.80, has been duly honored.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO MR. ROBINSON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 15th November, 1848.

W. E. ROBINSON, ESQ.
New York city.

SIR:

I have received your note of the 10th instant, relating to the case of James Bergen, an American seaman in confinement at Dublin.

You are already acquainted with the contents of Mr. Ban-

[1] MSS. Department of State, 37 Domestic Letters, 56.

croft's letter of the 23d September last, to Mr. Bergen, informing him of the proceedings of the Legation, up to that date, with reference to his arrest and detention in Newgate. I have only to add, in answer to your inquiries, that, on the same day, Mr. Bancroft earnestly pressed this case upon the attention of the British Secretary of State for Foreign Affairs; and Lord Palmerston said, in reply, (26th September,) that he had not yet received the answer from the home department to the reference previously made to it upon the subject, &c. In a letter of subsequent date, (30th September,) His Lordship states that authentic information had reached Her Majesty's Government, and the Lord Lieutenant of Ireland, that Mr. Bergen was concerned in treasonable practices in connection with the late attempted outbreak in Ireland; and, there being reason to believe that he came to that country as the agent of certain associations which have been formed in New York for the purpose of supporting that outbreak, the Lord Lieutenant therefore felt it to be his duty to cause Mr. Bergen to be arrested and imprisoned; and that, under these circumstances, Her Majesty's Government see no reason for releasing him. In a despatch from Mr. Bancroft, dated 20th October, (the last received,) he says he still thinks that Mr. Bergen will not be brought to trial, but expresses this opinion doubtingly.

Your general questions, "whether the seizure of other American citizens on suspicion, by the British Government, has been made the subject of correspondence between the Governments; and whether any explanation has been asked or made upon the pursuit and search of American vessels for the apprehension of political refugees on their way to this country," would seem to call for information connected with our foreign relations which the Department does not, at the present moment, find itself at liberty to communicate.

I am, Sir, &c.,

JAMES BUCHANAN.

## TO MR. WALKER.[1]

DEPARTMENT OF STATE,
WASHINGTON, 17th Nov., 1848.

HON. R. J. WALKER,
Secretary of the Treasury.

SIR:

The enclosed copy of a note, just received from Her Britannic Majesty's Chargé d'Affaires at Washington, will acquaint you with the favorable result of the application which was, at your instance, made through this Department to the British Government, in August last, for permission to transfer from the ocean to the lakes, via the river St. Lawrence, two small schooners, to replace the steamers "Jefferson" and "Dallas," withdrawn from the United States revenue service on Lakes Erie and Ontario.

I have the honor, &c.,

JAMES BUCHANAN.

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## TO MR. CARR.[2]

No. 12. DEPARTMENT OF STATE,
WASHINGTON, 18th November, 1848.

THOMAS NELSON CARR, ESQRE.,
Late Consul of the United States at Tangier,
now in New York.

SIR:—

Your despatch No. 29, of the 19th July last, and received at the Department on the 7th Instant, would seem to require an answer. This is due in justice to the President, who has acted in the most friendly spirit towards you throughout your difficulties at Tangier; and it is due, also, to yourself; because you seem to have misunderstood and therefore misrepresented all his proceedings. In this answer, I shall endeavor to avoid the tone and temper which you have manifested throughout your despatch.

You were appointed Consul of the United States to Tangier on the 23rd May, 1845. This appointment was made by the President, because he believed that, without good cause, you had been removed by his predecessor, and that justice to yourself

[1] MSS. Department of State, 37 Domestic Letters, 58.

[2] MSS. Department of State, Instructions, Barbary Powers, XIV. 76.

required your restoration. He was not ignorant of the fact, at the time, that your reception might be attended with difficulties: but he had determined, at all events, that he would evince, by your appointment, his sense of the injustice which you had suffered. It never was his intention, however, to employ the Navy of the United States to compel the Emperor of Morocco to receive you as Consul. This was beyond his Constitutional power. Besides, in the intercourse of Nations, one Government may refuse for personal reasons to receive a particular Representative from another, without affording just cause of offence. I might cite several examples to this effect, if it were necessary. Still, it was deemed advisable to send with you to Tangier an imposing Naval force, under the belief that this might tend to secure your reception.

Our apprehensions that you might not be received were greatly increased by the receipt of three letters, dated before your arrival in Tangier,—one from the Emperor of Morocco to the President, of 16th July, 1845,—another from Cid Bonsselman Benali, the Emperor's Pacha of the Northern Provinces, styling himself "Agent of the Imperial Court and Plenipotentiary of His Imperial Majesty," to myself, dated on the 23rd July, 1845,—and the third, from Sid Mohammed Ben Eddress, styling himself Secretary of the Imperial "Commandements," to myself, dated on the 16th July, 1845. The packet containing these letters was received by the Department on the 12th September, 1845, from Mr. Pageot, then the French Minister to the United States; who observed, at the time, that he had been used merely as an intermediary in transmitting these letters, upon the request of the Emperor of Morocco, and beyond this neither the French Government nor himself felt any concern in the matter.

These letters strongly, but in respectful terms, remonstrated against your appointment as Consul, and requested the President to continue Mr. Mullowny in office. Among other reasons stated against your appointment, the Pacha of the Northern Provinces, in his letter, alleges that "The Consul, the predecessor of Mr. Mullowny, has had a disagreeable question with our Caliphate of Tangier, and with the Chiefs of the Merchants, to such a degree that an Admiral came by your orders to inform himself of the true position of this affair. Our Caliph was deprived of his office, although the charges which Mr. Carr imputed against him were not well founded. They weighed (or rested) on the contrary against himself. We agreed with this Admiral to

deprive the Consul, Mr. Thomas Nelson Carr, of his office, and, also, our Caliph, although he was innocent of all of which he was accused." Upon examination, it was found that Commodore Morgan had assured the Emperor that you had been relieved from public service, and, in consequence, your reappointment to the same station was thus made to assume in the eyes of the Emperor, however unjustly, the appearance of a violation of faith on our part.

These letters were perused with the deepest regret and the warmest sympathy for yourself by the President and every member of his Cabinet. It was determined, however, to give them no answer at the time; but to await the arrival of despatches from yourself.

On the 8th December, 1845, your despatch No. 4, of the 2nd November preceding, was received at the Department. From this, it is highly probable that you would not have been received but for the presence and interposition of Commodore Smith, with two vessels of war; and that the Emperor was still awaiting an answer to his letter from the President. It was hoped and earnestly desired, notwithstanding, that the whole affair might pass into oblivion, in consequence of your reception; and the President, therefore, determined that he would not answer the Emperor's letter, unless an answer should be again solicited.

On the 23rd February, 1846, I received through Mr. Pageot, at the Department of State, a letter dated 19th December, 1845,—less than two months after your reception,—and addressed to myself by Abon-Selhan Ben Ali, styling himself "Employé of the highest office," "Sultan's Secretary," and "Vizier;" in which, after adverting to the Emperor's letter to the President, and complaining "that there is no agreeable reminiscence or any mention of what is agreed upon from your side," he says, "we earnestly entreat an early reply to the letter which we sent to Your Excellency. We are in expectation of it morning and night."

This letter—of the genuineness of which neither Mr. Hodgson nor myself entertain the least doubt—was immediately sent to that gentleman for a translation from the Arabic, which, together with the original, was received from him on the 7th March, 1846.

The whole case was soon after submitted to the President in Cabinet Council. What was then to be done? In the intercourse among nations, the practice has been — unless under

very peculiar circumstances—for one Government to recall its Diplomatic Agents at the request of another. This practice is founded upon the principle that Diplomatic intercourse is established between the powers of the Earth for the purpose of cultivating friendly relations with each other; and that when a Diplomatic Representative has rendered himself so disagreeable to the Government to which he is accredited, whether with or without good cause, as to induce them to request his recall, this great object can no longer be accomplished through his agency. The convenience of the individual, under such circumstances, must yield to the good of the Country. There are undoubtedly exceptions to this rule; but it was not believed that your case constituted one of them. The Emperor of Morocco had received you, his authorities had treated you kindly after the reception, and he had referred the whole matter in the most respectful manner to the President.

The President might, and perhaps should, then have recalled you, but from his sincere desire to avoid this disagreeable alternative, he resolved to address the letter to the Emperor of Morocco, of the 20th March, 1846. Surely you cannot be dissatisfied with the terms of this letter. It spoke of you in the kindest manner, urged persuasive reasons why the Emperor should be satisfied with you, and informed His Majesty that Mr. Mullowny would not, under any circumstances, be restored to office.

It was believed that this declaration in regard to Mr. Mullowny would have a powerful effect in your favor, by convincing the Emperor that in no event could his favorite be restored. The President, however, promised, that if you should not have succeeded in rendering yourself acceptable to the Emperor before this letter reached him, *he would recall you, should the Emperor make this request.* Thus, in kindness to yourself, nothing was to be done, until the President should again hear from the Emperor.

At the Cabinet Council, when the President determined to send this letter to the Emperor, Governor Marcy, your constant friend, undertook the task of explaining to you, in a private and friendly letter, the whole transaction. This he immediately performed. Although you did not acknowledge the receipt of his letter, yet I was happy to observe from your letter to the President of the 15th July, 1846, that you were well acquainted with the character of his letter, and adopted strong measures to pre-

vent the Emperor from asking for your recall. Among these measures your letter to "the Sultan's Minister," accompanying that of the President to the Emperor, was scarcely justifiable; but as you acknowledged that the step was unauthorized, and excused yourself to the President for having taken it, this was passed over by him without censure.

It was confidently believed, from the character of the President's letter to the Emperor, that he would not persist in asking your recall, especially as he was distinctly informed that Mr. Mullowny could under no circumstances be continued; and I observe that you made good use of this circumstance in the letter which you addressed to the "Sultan's Minister."

Before I delivered the letter of the President to Mr. Pageot, I read it to him,—expressed the strong desire of the President that the Emperor should not ask for your recall, and intimated that the French Government might probably think proper to use their influence for the accomplishment of the President's wishes in your favor. I also said, that the French Chargé d'Affaires at Tangier would, of course, make known its contents to you before it was transmitted to the Emperor. He replied at once that he would make my suggestions known to Mr. Guizot, and there was no doubt he would be happy to promote the President's object. He told me afterwards that he had acted according to my suggestion.

From the date of the President's letter, (the 20th March, 1846) till 8th November, 1847, we heard nothing more of the matter, and hence we inferred that the whole affair had been amicably terminated. Still it was thought strange that the Emperor had never acknowledged the receipt of the President's letter, especially as his Minister, in acknowledging the receipt both of the President's letter and your own, had declared that the Emperor's "answer, when sent, shall certainly be forwarded to you, if it please God, that you may send it to its destination." Accordingly, on the 28th May, 1847, fourteen months after the date of the President's letter, I informed you that "the President has not yet received an answer from the Emperor to his letter dated 20th March, 1846, which was transmitted through the French Legation here. He cannot account for this great delay. He trusts that when it arrives it may prove to be in accordance with your wishes."

You may judge of our astonishment, then, when we first learned from you, in answer to this despatch, that you had been

entrusted with the Emperor's answer of the 17th July, 1846, so long ago as August, 1846, and had withheld it and all knowledge of its contents from the President for more than a year. It was first transmitted by you to this Department with your despatches Nos. 15 and 20, of the 28th June and 3rd September, 1847: both of which were received on the 8th of November following.

Although this conduct on your part was not approved, yet the President's kindness did not desert you even on this occasion. In your despatch No. 20, of the 3rd September, 1847, which accompanied the Emperor's letter, you tendered your resignation, and strongly expressed the opinion that the President should not notice this letter favorably. Even in this request you were indulged. The question then for the President's decision was, whether he should recall you, in accordance with his promise to the Emperor, and announce this fact to His Majesty, or accept your resignation and return no answer whatever to his letter. The President, acting towards you with that friendly spirit which has characterized his whole conduct, adopted the latter alternative,—accepted your resignation, and has returned no answer to the Emperor. Nay, more; he cheerfully complied with your request, and permitted you to retain your place until a successor should arrive at Tangier, whose nomination to the Senate was delayed until the 29th February, 1848, expressly for your accommodation. In consequence of this you retained your office at Tangier until the 10th July, 1848,—the date of your last despatch.

I consider the present simple narrative a conclusive answer to this despatch, without noticing in detail each particular item of it. You complain of the opposition you have been made to encounter at Washington; although the President and every member of his Cabinet, so far as my knowledge extends, were your friends, and were anxious to sustain you. You speak of what passed at audiences which I gave to the French and British Ministers. In regard to these you have been altogether misinformed. I never had a word with the French Minister in relation to your case, except what I have heretofore stated. I feel quite confident that I never conversed with the British Minister on the subject; and if I did, it is absolutely certain that it was in the same spirit which I manifested in conversing with the French Minister.

From your despatches it appears that the Diplomatic Agents at Tangier, both of England and France, had resorted to every

artifice, first, to prevent your reception, and afterwards to produce your recall. The motives for such conduct are entirely beyond my comprehension, because I cannot conceive what possible difference it could make either to them or to their Governments whether the United States were represented at Tangier by Mr. Carr, Mr. Hyatt, or any other respectable American Citizen. But you foiled all their arts and maintained yourself in office, by the simple expedient of withholding from the President, for more than a year, the letter directed to him by the Emperor, soliciting your recall, which had been confided to you.

It would be easy for me to reply most satisfactorily to the last charge in your despatch, against the Department: but I purposely limit myself to that which concerns yourself personally.

Yours very respectfully,

JAMES BUCHANAN.

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## TO MR. STAPLES.[1]

DEPARTMENT OF STATE,
WASHINGTON, Novr. 18, 1848.

WILLIAM J. STAPLES, ESQRE.
U. S. Consul, Havre.

SIR,

Your No. 274 was duly received. The expectation of further communications therein promised, but not yet realized, has delayed a reply. Mr. Rush had, previously to the receipt of your despatch, transmitted copies of your several communications to him and his reply to you.

From an attentive perusal of these papers, I regret to perceive that you have become involved in irritating discussions with the local authorities of Havre, on several questions relating to the discharge of your Official duties. The caution enjoined by the General Instructions, "not to enter into any contentions which can be avoided, with the local authorities of the Country in which you reside," has peculiar application to the late and present condition of France.

Although your late despatch refers exclusively to the questions connected with the condemnation and sale of the Ship "John Cadmus," the same principles would seem to be involved

[1] MSS. Department of State, Despatches to Consuls, XII. 409.

in those presented by your several communications to Mr. Rush. The errors you appear to have committed originate in a misconception of the extent of your Consular Jurisdiction; which cannot be exercised in conflict with the local law, but only in conformity with it. The Master of a Vessel, alone, has the right to sell her, under the circumstances in which the "John Cadmus" was placed. In the language of Mr. Justice Thompson, in delivering the opinion of the Supreme Court of the United States in the case of the Patapsco Insurance Co. vs. Southgate & al. (5 Peters 620), "as a general proposition, there can be no doubt that the injury to the Vessel may be so great, and the necessity so urgent, as to justify a sale. There must be this implied authority in the Master from the nature of the case. He, from necessity, becomes the Agent of both parties, (the Owners and the Underwriters) and is bound, in good faith, to act for the benefit of all concerned." His responsibility is great, and for his own security, to manifest the fairness of his proceedings, he should adopt the mode of survey, condemnation, and sale, for unseaworthiness, prescribed by the local laws. This will constitute strong evidence of the correctness of his proceedings. No Act of Congress authorizes our own Consuls abroad, or foreign Consuls in this Country, to interfere in such cases; though the agency of our Consuls has been properly employed in these proceedings, where the local laws permit. Such was the practice for a long period of time in the West India Ports of Spain; but their interference has been recently prohibited there by the local law. In reply to their remonstrances to this Department on the subject, uniform instructions have been given, to conform to the local law. You therefore erred in refusing to verify, under your Consular seal, the procès verbal in the case of the "John Cadmus," if the facts were truly stated therein. You were also in error in asserting a right to exclude the agency of the Master, and substitute your own, in the sale of his Vessel. Whilst on the spot he was the legitimate representative of his Owners, responsible to those by whom the property was confided to his charge, and for whom the law had devolved upon him the duty and responsibility of acting. In the matter of Wrecks (see General Instructions, page 31) the Consular Jurisdiction is limited to cases where the "Master, Owner, or Consignee" is absent, or incapable of taking charge of the property. The same principle governs in the case of the Vessel.

By the exhibition of great firmness and discretion in the

discharge of his Official duties, during many years of service, your worthy predecessor established high claims upon the confidence and good feelings of the local authorities of Havre. For the attainment of an object so desirable, you cannot too closely imitate his example. You ought not, therefore, to change the course which he has pursued, in any important particular, without first consulting this Department, or the Minister of the United States at Paris. Thus shaping your course of Official action, and strictly adhering to the General Instructions, I trust you will be able successfully to extricate yourself from present and avoid future difficulties.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO GOVERNOR JOHNSTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 18th Nov., 1848.

HIS EXCELLENCY, WILLIAM F. JOHNSTON,
Governor of Pennsylvania.

SIR:

I have been directed by the President to acknowledge the receipt of your Excellency's letter to him of the 28th ultimo, together with the accompanying communication of the 18th ultimo made to you by Major General Patterson, in relation to the murder alleged to have been committed in Mexico by Captain Foster, of the Georgia Infantry, upon the person of Lieutenant Goff, of the Pennsylvania Volunteers.

These letters were referred by the President to the Attorney General for his legal opinion upon the questions which they involved, and I now have the honor of transmitting a copy of that opinion, under date of the 15th instant, to your Excellency, with the expression of the President's regret that the existing laws of the United States do not provide for the trial and punishment of Captain Foster.

Yours, very respectfully,

JAMES BUCHANAN.

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[1] MSS. Department of State, 37 Domestic Letters, 59.

## TO MR. DONELSON.[1]

(No 23.) DEPARTMENT OF STATE,
WASHINGTON, 20th November, 1848.

ANDREW J. DONELSON ESQRE.,
&c., &c., &c.

SIR:

I transmit to you, herewith, a communication from the President of the United States to His Majesty Frederick William IV., in answer to a letter received on the 15th instant, in which His Majesty announces the recall of Baron Von Gerolt, late Minister Resident of Prussia at Washington.

The letter of the President is accompanied by an office copy, which you will communicate to the Prussian Minister of Foreign Relations, upon your asking, through him, an audience of the Sovereign to deliver the original. You will also avail yourself of the opportunity that may be thus presented, to express orally to His Majesty, on behalf of the President and Government of the United States, sentiments of international friendship and good will corresponding with those contained in the enclosed letter, as well as to call his attention to the high estimate which we placed upon Mr. Von Gerolt.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO W. M. MEREDITH.[2]

(Private.) LANCASTER, November 21, 1848.

MY DEAR SIR:—

I have seen Mr. Fordney since I came here, who read me a part of your second letter. From this I infer that you regret you had parted with Wheatland. Now, my dear sir, if you have the least inclination to retain it, speak the word and our bargain shall be as if it never had been. It will not put me to the least inconvenience, as I have an excellent house in Lancaster. Indeed I feel a personal interest in having you in the midst of our society; and if you should retain Wheatland, I know that

[1] MSS. Department of State, Instructions, Prussia, XIV. 142.

[2] Curtis's Buchanan, II. 4. For Mr. Meredith's declination of this considerate offer, see Curtis's Buchanan, II. 4.

after you shall be satisfied with fame and fortune, you will make this beautiful residence your place of permanent abode.

Please to address me at Paradise P. O., Lancaster county, as I shall be at my brother's, near that place, to-morrow evening, where I shall remain until Thursday evening.

From your friend, very respectfully,

JAMES BUCHANAN.

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## TO SEÑOR DE LA ROSA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 28th November, 1848.

TO SENOR LUIS DE LA ROSA,
&c. &c. &c.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of this date addressed to him by Señor Don Luis de la Rosa, accompanied by a copy of his letter of Credence as Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States and of a letter to the Undersigned from Señor Don Mariano Otero, Minister for Foreign Affairs of that Republic. In answer to Mr. de la Rosa's request to be informed of the day when he may deliver the original of Mr. Otero's communication, the Undersigned has the honor to state that he will receive him for that purpose at twelve o'clock to-morrow, Wednesday, the 29th instant. The Undersigned will take an early occasion to submit to the President the copy of Mr. de la Rosa's letter of Credence, and will inform him of the day and hour when the President will receive him for the purpose of presenting the original.

The Undersigned embraces this opportunity to offer to Mr. de la Rosa the assurance of his very high consideration.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Mexican Legation, VI. 193.

## TO MR. CARROL.[1]

DEPARTMENT OF STATE.
WASHINGTON, Nov. 30th, 1848.

WILLIAM CARROL ESQRE.
U. S. Consul, Port Louis.

SIR,

I have received from Mr. Griffith, late Acting Commercial Agent of the U. States, at Port Louis, several communications and documents relating to the alleged refusal of the local police to aid and assist him in the case of certain Seamen of the American Ship "Jasper." Upon a careful perusal of these papers, I am not able to perceive that the authorities there require any act or proceeding on the part of the Commercial Agent, to justify their interference, which is not enjoined by the Consular Instructions, and appears to be of a reasonable character. By Art: 35, page 20, it is made his duty, "*after* taking the Depositions necessary to establish the facts, to apply to the local authorities for means of securing the offenders while they remain in port, &c." These depositions would appear to constitute all that the authorities ask, as a justification for the arrest, and it is an unreasonable claim on the part of the Agent to insist upon their interference, whilst he withholds it. The aid and assistance which he is directed to seek is rendered solely as an act of National courtesy, and imposes a strong obligation, in availing himself of it, to conform as nearly as possible to the requisition of the local law applicable to such cases.

I am &c.

JAMES BUCHANAN.

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## TO SEÑOR DE LA ROSA.[2]

DEPARTMENT OF STATE,
WASHINGTON, 30th November, 1848.

TO SENOR DON LUIS DE LA ROSA,
&c. &c. &c.

The Undersigned, Secretary of State of the United States, has the honor to acquaint Mr. de la Rosa, Envoy Extraordinary and Minister Plenipotentiary of Mexico, that he has submitted

[1] MSS. Department of State, Despatches to Consuls, XII. 412.
[2] MSS. Department of State, Notes to Mexican Legation, VI. 194

to the President his note to the Undersigned of the 28th instant, with the copy of Mr. de la Rosa's letter of Credence which accompanied it, and has the honor to state that the President will receive him for the purpose of presenting the original, at two o'clock on Saturday next, the 2nd proximo.

The Undersigned avails himself of this occasion to offer to Mr. de la Rosa renewed assurances of his most distinguished consideration.

JAMES BUCHANAN.

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## TO MR. WINTHROP.[1]

DEPARTMENT OF STATE,

December 2, 1848.

The Secretary of State, in obedience to the 20th section of the act entitled "An act legalizing and making appropriations for such necessary objects as have usually been included in the general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the departments and offices of the government, and for other purposes," approved the 26th of August, 1842, and the act making appropriations for the civil and diplomatic expenses of government for the year 1836, (section 2,) has the honor to submit to Congress the accompanying statements, A, B, C, D, E, F, and G.

That marked A shows the manner in which the fund for the contingent expenses of the Department of State has been expended, so far as the disbursements have been made by the agent of the department, during the fiscal year ending on the 30th of June, 1848.

B.—Showing the disbursements from the same fund by others than the agent of the Department of State, as stated by the 5th Auditor, from the 1st of July, 1847, to the 30th of June, 1848.

C.—A statement of the balances of the same appropriation remaining in the treasury, and in the hands of the disbursing agent, on the 30th of June, 1848.

D.—A copy of a precise and analytical statement, by the agent of the department, of all moneys disbursed by him during the fiscal year ending on the 30th of June, 1848.

E.—A statement of disbursements from the fund for con-

[1] H. Ex. Doc. 5, 30 Cong. 2 Sess.

tingent expenses of foreign intercourse, for the year ending on the 30th of November, 1848.

F.—A statement of disbursements from the fund for the contingent expenses of all the missions abroad, by the agent of the department, for the fiscal year ending on the 30th of June, 1848; and G, a statement of those from the same fund, by others than the agent, as stated by the Fifth Auditor.

JAMES BUCHANAN.

HON. R. C. WINTHROP,
Speaker of the House of Representatives.

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## PRESIDENT POLK'S ANNUAL ADDRESS.

DECEMBER 5, 1848.[1]

[Extract.]

FELLOW-CITIZENS OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

. . . I am happy to inform you that our relations with all nations are friendly and pacific. Advantageous treaties of commerce have been concluded within the last four years with New Granada, Peru, the Two Sicilies, Belgium, Hanover, Oldenburg, and Mecklenburg-Schwerin. Pursuing our example, the restrictive system of Great Britain, our principal foreign customer, has been relaxed; a more liberal commercial policy has been adopted by other enlightened nations, and our trade has been greatly enlarged and extended. Our country stands higher in the respect of the world than at any former period. To continue to occupy this proud position, it is only necessary to preserve peace and faithfully adhere to the great and fundamental principle of our foreign policy, of non-interference in the domestic concerns of other nations. We recognize in all nations the right which we enjoy ourselves, to change and reform their political institutions according to their own will and pleasure. Hence we do not look behind existing governments, capable of maintaining their own authority. We recognize all such actual governments, not only from the dictates of true policy, but from a sacred regard for the independence of nations. While this is our settled policy, it does not follow that we can ever be indifferent spectators of the progress of liberal principles. The Government and people of the United States hailed with enthusiasm and delight the establishment of the French Republic, as we now hail the efforts in progress to unite the States of Germany in a confederation similar in many respects to our own Federal Union. If the great and enlightened German States, occupying, as they do, a central and commanding position in Europe, shall succeed in establishing such a confederated government, securing at the same time to the citizens of each State local governments adapted to the peculiar condition of each, with unrestricted trade and intercourse with each other, it will be an important

[1] H. Ex. Doc. 1, 30 Cong. 2 Sess. 3–5.

era in the history of human events. Whilst it will consolidate and strengthen the power of Germany, it must essentially promote the cause of peace, commerce, civilization, and constitutional liberty throughout the world.

With all the Governments on this continent our relations, it is believed, are now on a more friendly and satisfactory footing than they have ever been at any former period.

Since the exchange of ratifications of the treaty of peace with Mexico, our intercourse with the Government of that Republic has been of the most friendly character. The envoy extraordinary and minister plenipotentiary of the United States to Mexico has been received and accredited, and a diplomatic representative from Mexico of similar rank has been received and accredited by this Government. The amicable relations between the two countries, which had been suspended, have been happily restored, and are destined, I trust, to be long preserved. The two Republics, both situated on this continent, and with coterminous territories, have every motive of sympathy and of interest to bind them together in perpetual amity.

This gratifying condition of our foreign relations renders it unnecessary for me to call your attention more specifically to them.

It has been my constant aim and desire to cultivate peace and commerce with all nations. Tranquillity at home and peaceful relations abroad constitute the true permanent policy of our country. War, the scourge of nations, sometimes becomes inevitable, but is always to be avoided when it can be done consistently with the rights and honor of a nation.

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## TO MR. CAMPBELL.[1]

Dept. of State 11th Decr. /48.

Sir: I duly recd. your letter of the 7th Novr. last, enclosing copies of your entire correspondence with the Authorities of Cuba, in relation to the imprisonment & incommunication of Wm. H. Bush, stated by you to be "unchanged." The course pursued by you & zeal manifested in behalf of this unfortunate individual are highly approved.

That the Authorities of Cuba possess the right to arrest and bring to trial any individual charged with crime committed within their jurisdiction, cannot be denied. Independently of the principles of public law by which it is sustained, it is distinctly recognized in the stipulations of our Treaty with Spain of 1795. The 7th Article provides that, "in case of seizure, or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made & prosecuted

[1] MSS. Department of State, Despatches to Consuls, X. 497; S. Ex. Doc. 33, 30 Cong. 2 Sess. 14

by order & authority of law only, & according to the regular course of proceeding usual in such cases." So far, therefore, as the "arrest" & imprisonment of Bush are concerned, if conducted according to usage in such cases, no just cause of complaint would seem to exist. Very different, however, is the case in regard to the "incommunication." The same (7th) article of the Treaty, after a general provision securing to the citizens & subjects of both parties the right to employ such advocates, solicitors, agents, &c., as they may judge proper in their affairs, expressly declared, that "such agents shall have free access, to be present at the proceedings in such causes, & at the taking of *all examinations & evidence* which may be exhibited in the said trials." With these rights, secured to American citizens within the jurisdiction of Spain, the "incommunication" of Bush appears to be directly in conflict, & to constitute cause of serious complaint. The history of the Treaty affords the evidence that they were deliberately inserted therein as safeguards to protect our citizens from oppression abroad. In communicating the Treaty to his Govt. Mr. Pinckney, the American negotiator, specially points to this article & significantly to the objects it had in view. "The first part," says he, "is taken from the 10th of Prussia," "the latter I added, because I considered it a good stipulation in all situations, but particularly so in Spain." That it applies clearly to the case of Bush, I entertain no doubt; nor of the obligation of this Government promptly to insist that no portion of the rights & privileges it confers be longer withheld from him. In this spirit, and to that end, you are authorized to address yourself to the Captain General, in the expression of a full conviction, on the part of your Govt., that the "incommunication" of Bush will be promptly so far modified as to extend to him all the protection, privilege, & favor secured to him by the existing Treaty between the U. S. & Spain. Such other countenance & support in his difficulties as may be proper, you will, doubtless, with pleasure afford him.

You will take care, so far as may be in your power, that he shall not be treated with injustice, harshness, or cruelty. I shall expect to hear from you without delay, because should the Captain General insist upon withholding from American citizens the rights to which they are clearly entitled under the Treaty, it will become necessary to make a strong appeal to the Authorities at Madrid, against this violation of national faith.

I am Sir &c.,

JAMES BUCHANAN.

R. B. CAMPBELL, ESQR.
U. S. Consul, Havana.

## TO MR. GRINNELL.[1]

DEPARTMENT OF STATE,
WASHINGTON, 11th December, 1848.

HON. JOSEPH GRINNELL,
House of Representatives.

SIR:

In answer to the inquiry contained in your letter of the 8th inst., respecting the claim of the owners and crew of the ship Miles upon the Government of Portugal, I transmit herewith, for the information of the parties interested, a copy of the latest correspondence on the subject which has passed between this Department and Mr. Hopkins, our Chargé d'Affaires at Lisbon.

Mr. Taylor's letter to you, dated New Bedford, 28th November, which came enclosed in your communication, is at your request herewith returned.

The letter of Mr. Colby of 20th July, 1843, referred to in Mr. Hopkins' despatch No. 10, was not communicated to Congress at its last session, because it was not on file in the Department, and for that reason it does not appear with the other papers relating to this case in Senate Document No. 64, of the 1st session of 30th Congress.

It would be desirable for the Agent to place himself in direct correspondence with Mr. Hopkins in reference to this claim; and any letters he may see fit to address to him I will most cheerfully transmit to our Legation at Lisbon.

I am, Sir, &c.,

JAMES BUCHANAN.

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## TO THE SPEAKER OF THE HOUSE.[2]

DEPARTMENT OF STATE,
WASHINGTON, December 12, 1848.

SIR: Agreeably to the act of Congress of March 2, 1819, regulating passenger ships and vessels, I have the honor to communicate, herewith, tabular statements showing the number and designation of passengers who arrived in each collection district of the United States during the year ending September

[1] MSS. Department of State, 37 Domestic Letters, 70.

[2] H. Ex. Doc. 10, 30 Cong. 2 Sess. 1.

30, 1848, compiled from the returns made to this department by the collectors, in conformity with the provisions of said act.

I have the honor to be, sir, your obedient servant,

JAMES BUCHANAN.

TO THE HONORABLE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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## TO M. POUSSIN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 13th Decr., 1848.

MR. WILLIAM TELL POUSSIN,
&c., &c., &c.

SIR:

I have the honor of transmitting to you a note which I have received from the Secretary of War, of the 12th instant, with a duplicate copy of his communication of the 11th instant, made by direction of the President to Brevet Brigadier General William S. Harney, of the United States Army, censuring that officer for his conduct in causing a degrading punishment to be inflicted, without trial, in the city of Mexico, upon Marie Courtine, a French citizen.

I am also directed by the President to express to you his sincere regret at this unfortunate occurrence: and to assure you of his desire, upon all occasions, not only to do justice to the citizens of the French Republic, but to act towards them in that spirit of kindness which he trusts may ever characterize the intercourse between the two Republics, bound together as they are by bonds of the most intimate friendship.

Feeling assured, from the result of our recent conferences, that the action of the President in the case of General Harney will prove satisfactory to yourself and the Government of the great Republic which you so worthily represent, I remain, with sentiments of the highest consideration, yours very respectfully.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to French Legation, VI. 121

## TO MR. CAMPBELL.[1]

DEPT. OF STATE, Decr. 14, 1848.

SIR: I take pleasure in acknowledging the receipt of your letter of the 4th inst. announcing the unconditional release from imprisonment of Wm. H. Bush, & his departure from Havana for New York; and have again to assure you, that your course in regard to his case is fully approved.

I am Sir, &c.,

JAMES BUCHANAN.

R. B. CAMPBELL, ESQ.
U. S. Consul, Havana.

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## TO MR. SHIELDS.[2]

(No. 28.) DEPARTMENT OF STATE,
WASHINGTON, 15th December, 1848.

To B. G. SHIELDS, ESQUIRE,
&c. &c. &c.

SIR:

Your despatches to No. 74, inclusive, have been received. Your request for leave of absence for six months has been submitted to the President, who, considering the zeal and ability with which you have devoted yourself to the duties of your mission, and the strong reasons which require your presence in the United States, has determined to grant your request. This is done upon the confident assurance which the President feels, that you will not avail yourself of this permission unless the business of your Legation should be in such a condition that the public interest would not suffer during your absence, and that, should events occurring after your departure demand your presence in Caracas, you will then return immediately to your duties.

On leaving Venezuela, you will be careful to place the books and archives of the Legation in safe and proper hands.

In a note to me of the 9th instant, Mr. Acevedo announced his arrival in this City. On the 12th, by appointment, he pre-

[1] MSS. Department of State, Despatches to Consuls, X. 496: S. Ex. Doc. 33, 30 Cong. 2 Sess. 19.

[2] MSS. Department of State, Instructions, Venezuela, I. 76.

sented his credentials, and I yesterday introduced him to the President. The remarks which he made upon the occasion and the President's reply are contained in the Union herewith transmitted. He has not yet in any way disclosed the special objects of his mission.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. BANCROFT.[1]

No. 44. DEPARTMENT OF STATE,

WASHINGTON, 18th Decr., 1848.

SIR: The President has directed me to express to you his approbation of your able, persevering, and successful efforts to obtain the release of Mr. James Bergen and Mr. Richard F. Ryan, the two American citizens imprisoned in Newgate, Dublin, under the Act of the British Parliament of 25th July last [11th and 12th Victoria, Cap. 35] upon suspicion of treasonable practices against the British Government. You have correctly designated this act as "thoroughly arbitrary" and "utterly despotic." It not only suspends the habeas corpus act—a measure which our own Congress possess the power, under the constitution, to adopt, "when in cases of rebellion or invasion the public safety may require it," but it deprives the unfortunate objects of government suspicion even of the small protection against unjust imprisonment which a previous *ex parte* accusation, under oath or affirmation, would afford. If the individual be merely suspected of "high treason or treasonable practices," by any of the agents of the Irish Government, a warrant signed by six members of the Privy Council, or by the Lord Lieutenant or Chief Secretary, is of itself sufficient to commit him to prison, "without bail or mainprize." He is thus doomed to a dreary imprisonment, without even the melancholy satisfaction of knowing the specific nature of the crime with which he is charged.

If this law, arbitrary and despotic as it is, had been carried into execution in the same impartial manner against the citizens and subjects of all foreign nations, this Government, especially after the release of Messrs. Bergen and Ryan, might have

[1] MSS. Department of State, Instructions, Great Britain, XV. 373; H. Ex. Doc. 19, 30 Cong. 2 Sess. 20.

submitted in silence. But it appears that an invidious and offensive distinction has been made against American citizens in executing its provisions. They have been placed in a worse and more degrading condition than those of any other nation. They have been singled out from the rest of the world, and "all persons coming from America," from this fact alone, and without any other evidence, have been subjected by the Government of Ireland, acting of course under the authority of that of Great Britain, in the language of the law, to the "suspicion of high treason or treasonable practices." The exercise of a wise discretion is more necessary in the execution of a despotic law than with regard to any other enactment; yet the Irish Government has entirely relieved itself from this duty, by declaring in advance that "all persons coming from America," without exception, shall be imprisoned under this law. To have come from America to Ireland is conclusive evidence to doom the traveller for pleasure, the man of business, and all others, to its penalties; and this, too, without having received any previous warning.

Such is the character of the printed order of the 2d August, 1848, to which you refer in your note to Lord Palmerston of the 10th November, as "secretly issued and circulated in Ireland, directing the arrest of *all persons coming from America*, the examination of their baggage, papers, and persons, and their detention in imprisonment. No authority was given to set free Americans thus arrested, even when it was admitted by the officer making the arrest that no ground whatever, even of suspicion, existed."

It does appear from the letter of your Irish correspondent of September 7th, 1848, that "on the 18th August, 1848, this order was modified, so as to limit the arrest and incarceration, seizure and search, to *returned* emigrants, and to those Americans against whom there may exist *suspicion*. If nothing should be found to warrant such suspicion, these latter were to be liberated, but watched."

The distinction thus in effect drawn between naturalized and native American citizens is invidious and unjust. Our obligation to protect both these classes is, in all respects, equal. We can recognize no difference between the one and the other, nor can we permit this to be done by any foreign Government, without protesting and remonstrating against it in the strongest terms. The subjects of other countries who from choice have abandoned their native land, and, accepting the invitation which our laws

present, have emigrated to the United States and become American citizens, are entitled to the very same rights and privileges as if they had been born in the country. To treat them in a different manner would be a violation of our plighted faith, as well as of our solemn duty.

The President has, therefore, directed me to instruct you to protest, in the most solemn and earnest manner which official propriety will warrant, against the orders of the Irish Government issued on the 2d and 18th of August last, and against the arbitrary and offensive distinction which they make between our citizens and the citizens and subjects of other nations, and also between our native and naturalized citizens. The liberation of Messrs. Bergen and Ryan, without trial, the only American citizens known by the Department to have been imprisoned under this act, affords evidence almost equal to demonstration that no reasonable cause existed for these orders. The form and language of this protest, with the present despatch as a general guide, is submitted altogether to your own discretion.

Your despatches to No. 104 have been received.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

GEORGE BANCROFT, ESQRE., &c., &c., &c.

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## TO THE SPEAKER OF THE HOUSE.[1]

DEPARTMENT OF STATE,

WASHINGTON, December 18, 1848.

SIR: Agreeably to the act of March 2, 1799, I have the honor to communicate an abstract of the returns made to this department by the collectors of customs, pursuant to the act of May 28, 1796, for the relief and protection of American seamen, showing the number of seamen registered in the several ports of entry of the United States during the year ending 30th September, 1848.

I am, sir, very respectfully, your obedient servant,

JAMES BUCHANAN.

TO THE HONORABLE SPEAKER
OF THE HOUSE OF REPRESENTATIVES.

[1] H. Ex. Doc. 15, 30 Cong. 2 Sess. 1.

## TO MR. DONELSON.[1]

(No. 24.) DEPARTMENT OF STATE,
WASHINGTON, 18th December, 1848.

ANDREW J. DONELSON, ESQRE.,
&c., &c., &c.

SIR:

Commodore Foxhall A. Parker, of the United States Navy, will leave New York for Bremen on the 20th Instant, with directions to communicate with you on the subject of the application of the Central Government of Germany for the aid of an officer of our Navy in the construction and establishment of a German Navy.

Commodore Parker, as you are aware, is one of our most skilful and distinguished naval officers. He has had long and great experience in his profession; and though somewhat advanced in years, he still retains all the vigor of manhood. In examining the bright roll of our naval officers, he was believed to be as well if not better qualified than any other for the peculiar service of aiding Germany in establishing a Navy.

The Commodore has no idea of engaging in any foreign service, if by this he should be deprived of his Commission in the American Navy. He will proceed to Germany, upon leave of absence from the Secretary of the Navy, for two months, for the purpose of consulting with the authorities at Frankfort, and ascertaining what will be the conditions of the service required. If he should find these can be satisfactorily arranged, it is believed that Congress, by a general Resolution, would enable the President to designate officers for naval service to Germany, without depriving them of their rank and position in the American Navy. I hope all may be satisfactorily arranged, as it is the sincere and ardent desire of the President to afford every aid in his power to the Central Government in establishing a Navy.

Baron Roenne still remains in New York, and has not yet visited Washington. In a private letter, under date of the 16th Instant, he informs me that he has not yet received his credentials as Minister Plenipotentiary of the Central Government of Germany, but expects to receive them by one of the next Steamers. Without these, he believes he would be placed in an awkward predicament, should he make his appearance in Washington.

[1] MSS. Department of State, Instructions, Prussia, XIV, 143.

Your despatches from 97 to 104, inclusive, and Mr. Fay's letter of the 17th October last, have been received.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. CLIFFORD.[1]

(No. 8.) DEPARTMENT OF STATE.

WASHINGTON, 22nd December, 1848

TO NATHAN CLIFFORD, ESQUIRE,

&c. &c. &c.

SIR:

I transmit a copy of a letter of yesterday addressed to this Department by the Secretary of War, on the subject of collections made at Matamoros between the 30th of May, last, the date of the exchange of ratifications of the Treaty of Peace with the Mexican Republic, and the time of the surrender of the Custom House there to authorities of that Republic; and also a copy of a letter of the same date from the Secretary of the Navy, relative to collections within the same period at the enemy's ports on the Pacific occupied by our naval forces. The President having authorized the payment to the Mexican Government of the sums thus collected, you will draw for them in the manner specified in the letters referred to. On making payment to the proper Mexican authority, you will take therefor receipts in triplicate, one of which may be retained in the archives of the Legation. The other two you will transmit to this City, one to be filed in this Department and the other to serve as a voucher at the War or Navy Department, as the case may be.

The account which accompanies the copy of the letter of the Secretary of War will enable you to comply with the stipulation of the Treaty upon the subject in regard to Matamoros, and it is understood that the files of the Legation will enable you to state similar accounts with reference to Mazatlan and Guaymas.

You will make any explanations to the Mexican Government which may be necessary satisfactorily to account for the failure on our part to make these payments within the time required by the Treaty.

The President has nominated to the Senate Ambrose H

[1] MSS. Department of State, Instructions, Mexico, XVI. 110.

Sevier of Arkansas as Commissioner and Andrew B. Gray of Texas as Surveyor, under the 5th Article of our Treaty with Mexico, to run and mark the boundary line between the two Republics. As soon as these nominations shall be confirmed by the Senate, suitable officers of our Topographical Corps of Engineers will be designated to accompany the Commissioner and Surveyor and to take charge of the scientific department of the work. No time will be lost in making the necessary preparations for the meeting of the Commissioners at San Diego on or before the 30th May, next.

The fifth article provides that "the two Governments will amicably agree regarding what may be necessary to these persons [the Commissioners and Surveyors] and also as to their respective escorts should such be necessary."

The Mexican Government will doubtless send scientific engineers with their Commissioner and Surveyor, and it is proper you should inform the Mexican Minister for Foreign Affairs that such is the intention of the President, and have an amicable understanding with the Mexican authorities on this subject. An escort will also undoubtedly be necessary for the security of both parties against attacks of hostile Indians, and you might agree with them that each party may send an escort not exceeding one hundred men. It is believed that this number will be required. The President desires that this affair may be arranged by you with the Mexican Government in the most frank and friendly manner.

The Committee of Ways and Means of the House of Representatives yesterday reported a Bill appropriating the sums necessary for the payment of the instalments with the interest which will be due under the 12th Article of the Mexican Treaty, on the 30th May, 1849, and on the 30th May, 1850. This Bill, beyond all doubt, will pass, and it is presumed that after it becomes a law, of which you shall have the earliest notice, the Mexican Government, should their situation render this expedient, will have no difficulty in immediately realising the amount from capitalists upon advantageous terms.

I am also directed to inform you that should Mr. de la Rosa, in behalf of his government, request that the instalment which will become due on the 30th May, next, shall be paid immediately, (which you have informed me is one object of his mission) the President will apply to Congress for authority to enable him to comply with this request. He will thus afford evidence of his

earnest desire to cultivate the most kind and friendly relations with the Mexican Republic.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27th December, 1848.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 11th Instant, requesting the President to inform that Body "whether he has received any information that American citizens have been imprisoned or arrested by British authorities in Ireland; and, if so, what have been the causes thereof, and what steps have been taken for their release; and if not, in his opinion, inconsistent with the public interest, to furnish this House with copies of all correspondence in relation thereto"—has the honor to report the accompanying copies of papers from the files of this Department.

All which is respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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## TO MR. MANN.[2]

DEPARTMENT OF STATE,
WASHINGTON, December 27th, 1848.

HON. HORACE MANN,
House of Representatives.

SIR:

Your letter of the 19th instant, to the Secretary of the Treasury, enclosing one from Samuel P. Loud, Esq., making certain enquiries relative to an award in favor of the late William Oliver, on the books of the Commissioners under the Convention

[1] MSS. Department of State, Report Book, VI. 274; H. Ex. Doc. 19, 30 Cong. 2 Sess. 2. This report was on the same day communicated by President Polk to the House.

[2] MSS. Department of State, 37 Domestic Letters, 83.

with Spain of 1834, has been referred to this Department. In reply to the enquiries contained in Mr. Loud's letter, I have to state that no part of the principal under the Convention has yet been paid by the Spanish Government. By an arrangement, however, between this Government and that of Spain, made in 1841, the latter agreed to pay the interest annually, (including arrears of interest,) through this Department. The sums stated by Mr. Loud to have been received by Mr. Oliver in his lifetime, and by his executors since his death, were for interest; and there are now two instalments of interest which appear to be due on Certificate No. 110. (according to Mr. Loud's account,) which will be paid on the presentation of the certificate at the Merchants' Bank in New York, where any further information that may be needed may be obtained.

This Government is not in any way bound for the payment of either principal or interest provided for under the above mentioned Convention.

Mr. Loud's letter is at your request returned.

I am, &c.,

JAMES BUCHANAN.

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## TO M. POUSSIN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 28th Dec., 1848.

MR. WILLIAM TELL POUSSIN,
&c., &c., &c.

SIR:

I have the honor to inform you that, in accordance with the request contained in your note of the 26th instant, the act of the President recognizing Mr. A. C. Lataillade as Consular Agent of France at Monterey, Upper California, has this day been sent with his commission to the Consul General of the French Republic at New York.

I avail myself of the opportunity to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to French Legation, VI. 122.

## 1849.

## MESSAGE OF PRESIDENT POLK

### ON A POSTAL CONVENTION WITH GREAT BRITAIN.[1]

[January 4, 1849.]

To the Senate of the United States:

I transmit to the Senate, for their consideration and advice with regard to its ratification, a convention between the United States of America and the Government of Her Britannic Majesty, for the improvement of the communication by post between their respective territories, concluded and signed at London on the 15th December last, together with an explanatory despatch from our minister at that Court.

Washington, 4th January, 1849. James K. Polk.

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## TO MR. CASS.[2]

Department of State,
Washington, 6th January, 1849.

To Lewis Cass, Esqre.,
Appointed Chargé d'Affaires of
the United States to the Papal States.

Sir: The President, by and with the advice and consent of the Senate, having appointed you Chargé d'Affaires of the United States to the Papal States, your Commission is, herewith, transmitted.

I am, Sir, very respectfully,
Your obedient servant,
James Buchanan.

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## TO MR. SLEMONS.[3]

Department of State,
Washington, Jany. 6th, 1849.

Thomas W. Slemons Esqre.
U. S. Consul, Matamoros.

Sir,

Your despatches Nos. 1, 2, 3, & 6, and two, *not numbered*, dated Oct. 26th and November 12th, 1848, have been received.

[1] Senate Executive Journal, VIII. 16.
[2] MSS. Department of State, Instructions, Papal States, I. 8.
[3] MSS. Department of State, Despatches to Consuls, XIII. 130.

Nos. 4 & 5 not having come to hand, you will please transmit duplicates of them.

In reply to your number 3, upon the subject of American Shipping clearing for the Port of Matamoros with debenture goods, and re-shipping such goods at the mouth of the Rio Grande for that port, I have to state, that I perceive nothing in it calling for any action upon our part. If debenture goods exported to Matamoros are actually carried there, and the legal evidence of the fact produced, the Exporter would be entitled to have his export bond cancelled. The fact that the goods were put into a Steamboat or Lighter at the Mouth of the Rio Grande, to be conveyed to Matamoros as their place of destination, and were actually so conveyed, and landed without the limits of the United States, would not impair the rights of the Exporter. Your enquiry whether Vessels shall be allowed to re-ship at the Brazos for Matamoros, without entering or clearing at the latter port, would seem to involve a question under the Revenue Laws of Mexico, with which we of course have nothing to do.

In respect to the Tobacco entered at Matamoros during its occupation by our Troops, and which was not allowed, subsequent to the ratification of the Treaty, to be removed into any part of the interior of Mexico, I have to inform you that the Mexican Treasury Department, in a Circular, under date the 22nd July last, has directed the Custom Houses at Vera Cruz, Tampico, Matamoros, Guaymas, and Mazatlan, to carry into effect the stipulation of the Treaty in regard to all articles, including Tobacco, imported whilst those ports were in the Military possession of the United States. I am sorry to inform you, that notwithstanding this Circular, numerous complaints have been made to this Government, of the non-fulfilment on the part of that of Mexico, of the 19th Article of the Treaty. Strong demands have been and will continue to be made upon the Mexican Government, thro' our Minister, Mr. Clifford, for the faithful observance of that Article. In the mean time, as suggested in your despatch, you will please transmit promptly to Mr. Clifford the Protests of our Citizens against any violation of the Articles of the Treaty by the Mexican Authorities.

A copy of your despatch, dated 12th November, 1848, upon the subject of establishing a port of entry at some convenient point near the Mouth of the Rio Grande, has been referred to the Secretary of the Treasury.

Instructions were given on the 18th of October last, to the

Agent of the Department at New York, to forward to you by the earliest opportunity a flag and the Arms of the United States.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO MR. BANCROFT.[1]

(No. 45.) DEPARTMENT OF STATE,
WASHINGTON, 8th Jany., 1849.

GEORGE BANCROFT, ESQRE.,
&c., &c., &c.

SIR:

The Senate of the United States having given its constitutional advice and consent to the Postal Convention between the United States and Great Britain, concluded and signed at London on the 15th ultimo, the President has ratified it on the part of this Government, and I now transmit to you the American ratification, to be exchanged against that of Her Britannic Majesty. You will accordingly upon the receipt of this despatch inform Her Majesty's Principal Secretary of State for Foreign Affairs that the Convention has been ratified by this Government, and that you are, as you will perceive by the special power which is herewith enclosed, authorized to exchange the ratifications with such person as may be duly empowered for that purpose on the part of the British Government. A form of a certificate of exchange which may be used on the occasion is also enclosed for your convenience. As soon as this exchange shall take place, it is desirable that you should forward, without unnecessary delay, the British ratification to the United States, by the ordinary conveyance.

Should the negotiations to carry into effect the 12th article of this Convention be conducted at London, the President has determined to confide them to you, exclusively; but should they be transferred to Paris, then it is his desire that Mr. Rush shall be associated with you. In the latter event, you will necessarily visit Paris; and your travelling expenses, with those incident to your sojourn there, will be allowed in the settlement of your accounts. I herewith communicate the President's full power, authorizing yourself and Mr. Rush, or either of you, to conduct and conclude

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[1] MSS. Department of State, Instructions, Great Britain, XV. 377.

the negotiations with Great Britain and France referred to in the 12th article of the Convention, together with the instructions of the Postmaster General.

I need scarcely add that the President is highly gratified with the zeal, energy, and ability which you have displayed in bringing the postal arrangement with Great Britain to a successful conclusion.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. DONELSON.[1]

(No. 25.) DEPARTMENT OF STATE,
WASHINGTON, 8th January, 1849.

ANDREW J. DONELSON, ESQRE.,
&c., &c., &c.

SIR:

I have now to acknowledge the receipt of your despatches to No. 107, inclusive; the three last on the 3rd Instant.

Baron Roenne still remains in New York, and has not visited Washington since his arrival in this Country. I have not heard from him since the 16th December last, the date of a "private and informal" letter which he addressed to me, to which I referred in my last despatch; and presume from that letter that he is still awaiting the arrival of his credentials as Minister Plenipotentiary of the Central Government of Germany. Besides, he will most probably not present himself in this character without the consent of the Prussian Government; although he does not mention this as a cause of the delay.

In answer to your No. 107, I have to state, that I can not perceive that the arrest of a seaman of an American vessel for debt, "while on duty in the cooking-house on shore at Bremerhaven," is a violation of any of the Articles of our Treaties with the Hanseatic Republics; and there is certainly no principle of public law which would exempt him from such an arrest. It is usual for the master or consignee in our ports to caution the public against giving credit to the seamen of foreign vessels; but unquestionably if one of these were indebted to an American Citizen, no power exists in this Government to shield him from

[1] MSS. Department of State, Instructions, Prussia, XIV. 144.

the process of law to recover the debt. I cannot believe that the Government of Bremen would give the least countenance to such arrests; and you might suggest to them, that it would be an act of friendship on their part to adopt means to prevent American seamen from incurring debts within their territory. We have done much to increase and extend our trade with Bremen; and the authorities there will doubtless do all in their power to discourage such arrests.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. DYER.[1]

DEPARTMENT OF STATE,
WASHINGTON, 8th January, 1849.

LEON DYER, ESQ.,
Baltimore.

SIR:

I have to acknowledge the receipt of your letter of the 6th instant, inquiring whether a party of citizens of the United States who propose to proceed to California by the way of Vera Cruz, Mexico, and Mazatlan, can claim a right to bear arms in self-defence whilst passing through Mexican territory. In reply I have to state that the Department is not informed in regard to the municipal regulations of the Mexican Republic upon the subject, but if such a right can be claimed by any foreigners, that Government is bound by treaty to extend it equally to our citizens. A copy of the Treaty is herewith transmitted, and you are referred to its 3d article. It is proper to remark, however, that Mexicans have always shown great jealousy in regard to the entrance of armed citizens of the U. S. into or their transit across territory of that Republic, and it is doubtful if this feeling has been diminished by the late war. Passports from this Department ought to be sufficient for the protection of the gentlemen to whom you refer, but as they are in English, it might be advisable to obtain others from the Mexican Consul at Baltimore, or to have those from the Department countersigned by him.

I am, Sir, etc.,

JAMES BUCHANAN.

[1] MSS. Department of State, 37 Domestic Letters, 88.

## TO MR. RUSH.[1]

(No. 31.) DEPARTMENT OF STATE,
WASHINGTON, Jany. 8th, 1849.

RICHARD RUSH, ESQRE.,
&c., &c., &c.

SIR:

I enclose you a copy of a Postal Convention concluded with Great Britain on the 15th December last, which was ratified by the President, by and with the advice and consent of the Senate, on the 6th instant. A ratified copy of this convention will be sent to Mr. Bancroft by the steamer on the 10th instant, and the exchange of ratifications will doubtless be made immediately on its arrival in London.

You will perceive from the 12th article of this Convention, that "the two contracting parties agree to invite France to enter into communication with them, without loss of time, in order to effect such arrangements for the conveyance of letters and newspapers, and closed mails, through the territories of the United Kingdom, of the United States, and of France, respectively, as may be most conducive to the interests of the three countries."

In concluding this Postal Convention with Great Britain, Mr. Bancroft has encountered difficulties at every step, and the negotiation has been protracted and perplexing. From this cause, that gentleman has made himself master of the whole subject, and all the necessary papers are in possession of his Legation. Under these circumstances, the President has determined to confide to him, exclusively, the negotiation of the arrangements under the 12th article of the Convention, should this be conducted in London. Should the negotiation, however, be transferred to Paris, he has deemed it proper that you should be associated with Mr. Bancroft. With this view, a full power has been prepared for that gentleman and yourself, or either of you, which has been transmitted to him; and he has been instructed, in the latter event, to act jointly with yourself. The instructions of the Postmaster General on the subject have also been transmitted to Mr. Bancroft. You are, therefore, requested, should the negotiation take place in Paris, to exert your best efforts, in conjunction with Mr. Bancroft, to bring it to a favorable conclusion.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

[1] MSS. Department of State, Instructions, France, XV. 80.

## TO MISS LANE.[1]

Washington, 8 January, 1849.

My dear Harriet

You have acted wisely in controlling your inclinations & remaining at home. This act of self restraint has raised you in my estimation. Let nothing divert you from your purpose.

Washington now begins to be gay. Mrs. Walker is at home to-night,—the first assembly will be held to-morrow evening. Mrs. Polk gives a drawing room on Wednesday evening; & on Thursday evening Miss Harris will be married & there will be a party at Captain McCauley's at the Navy Yard. I now give dinners myself once a week. I rarely go out to evening parties. I have had my day of such amusement & have enjoyed it. Yours is just commencing & I hope it may be a happy one. I dare say Mr. Sullivan [2] will be inconsolable when he learns that you will not be here during the present winter.

I wish now to give you a caution. Never allow your affections to become interested or engage yourself to any person without my previous advice. You ought never to marry any man to whom you are not attached; but you ought never to marry any person who is not able to afford you a decent & immediate support. In my experience, I have witnessed the long years of patient misery & dependence which fine women have endured from rushing precipitately into matrimonial connexions without sufficient reflection. Look ahead & consider the future & act wisely in this particular.

Mrs. Pleasonton of Philadelphia left here on Saturday morning last. I saw her & her two daughters on Friday evening. They all inquired for you very affectionately; and the Pleasontons of this city are, I believe, sincerely anxious that you should pass some time with them. At a proper period you may enjoy this pleasure.

James informs me that he & his family intend boarding with Mrs. Jenkins. I am sorry he has so determined; but he knows his own business best. Personally it will suit my convenience.

It may be that I shall not reach Lancaster until the first of

[1] Buchanan Papers, private collection. Imperfectly printed in Curtis's Buchanan, I. 542.

[2] Curtis says: "John Sullivan, Esq., an Irish gentleman of advanced years, long a resident of Washington, famous for his good dinners"

April, as I have some business to attend to here which may require a fortnight or three weeks after I shall be relieved from office. When I reach there I shall be happy to have you with me.

Yours affectionately,

JAMES BUCHANAN.

MISS HARRIET LANE.

P. S.—Give my love to Mary & all the rest.

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## TO MR. BANCROFT.[1]

(No. 46.) DEPARTMENT OF STATE,
WASHINGTON, 9th Jany., 1849.

GEORGE BANCROFT, ESQRE.,
&c., &c., &c.

SIR:

You will doubtless observe, on examining your American newspapers, that the postal convention with Great Britain, of 15th December last, and your several despatches to me, numbered 106, 107, and 108, relating to the same subject, are published at length in the "Union" of this morning. This has been done without the knowledge or sanction of this Department or of the Postmaster General, by an Assistant in his office. The error, probably one of inadvertence, is deeply to be regretted; but it is now too late to obviate the evils to which the premature publication of these papers, particularly that of the 12th December, may lead.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Great Britain, XV. 378.

## TO MR. CRAMPTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 9th Jany., 1849.

JOHN F. CRAMPTON, ESQRE.,
&c., &c., &c.

SIR:

I have the honor to acknowledge the receipt of the letter which, in pursuance of instructions from Her Majesty's Government, you addressed to me on the 22d ultimo, communicating to this Department copies of certain documents which accompanied a despatch received by Her Majesty's Government from the British Consul General for the Pacific Islands, relative to the proceedings of certain American citizens towards the occupants of the Hudson's Bay Company's establishments in the Oregon Territory; and expressing the confident hope of Her Majesty's Government that the Government of the United States will take proper steps for preventing a recurrence of the lawless proceedings described in these papers.

You are doubtless aware that towards the close of the last session of Congress an act was passed by that body—approved by the President on the 14th day of August, 1848—entitled "an act to establish the Territorial Government of Oregon." In virtue of certain provisions of this law, measures were immediately instituted for the organization of a Government in that country, under the authority of the United States, by the appointment, on the part of the Executive, of a Governor and Secretary, a Chief Justice and Associates, an Attorney, a Marshal, &c., &c. These officers were apprized of the necessity of proceeding to their posts without unnecessary delay; and, with the exception of Governor Lane, who it is presumed has already reached Oregon, are now on their journey thither, to enter upon the discharge of their official functions. Their arrival at their destination will be promptly followed by the establishment of a new Government, upon a firmer and safer basis than that upon which the provisional Government rested; and will, it is trusted, be productive of the happiest effects as respects the observance of law and order on the part of the inhabitants of the territory.

Sincerely regretting that difficulties of any kind should have arisen between citizens of the United States and subjects of Her

[1] MSS. Department of State, Notes to Great Britain, VII, 102.

Majesty residing in Oregon, I cannot but hope that those to which you refer have ere this time been obviated; and I feel confident in the opinion that after the establishment of the new order of things in that distant region—an event now on the eve of accomplishment—great care will be exercised by the territorial authorities to cultivate the most friendly feelings with the resident subjects of Her Majesty, and sedulously to avoid giving them any just cause of complaint.

I avail myself of this occasion to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

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## TO MR WINTHROP.[1]

DEPARTMENT OF STATE.

WASHINGTON, January 10, 1849.

The Secretary of State, in obedience to the act to regulate and fix the compensation of clerks in the different offices, approved on the 20th of April, 1818, and to the 11th section of an "act legalizing and making appropriations for such necessary objects as have usually been included in the general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the departments and offices, and for other purposes," approved on the 26th of August, 1842, respectfully reports the accompanying statements, (A, B, C, and D,) containing, in addition to the information required by those acts, that called for by a resolution of the House of Representatives of the 13th of January, 1846.

The services of the clerks permanently employed under existing laws could not be dispensed with without injury to the public interest.

JAMES BUCHANAN.

HON. R. C. WINTHROP,

Speaker of the House of Representatives.

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[1] H. Ex. Doc. 30, 30 Cong. 2 Sess. 1.

## TO MR. WALKER.[1]

DEPARTMENT OF STATE,
WASHINGTON, 11th January, 1849.

HON. R. J. WALKER,
Secretary of the Treasury.

SIR:

I have the honor to acknowledge the receipt of your letter of yesterday, with the papers therein referred to, and in reply to state, that this Department is not in possession of any information to the effect that discriminating duties of impost are now charged on the cargoes of vessels of the United States in the ports of the Oriental Republic of Uruguay. From the subjoined statement, however, taken from a letter under date the 17th July, 1842, addressed to this Department by Mr. R. M. Hamilton, U. S. Consul at Monte Video, it appears that discriminating tonnage duties and port charges to the advantage of national vessels of that Republic were then levied in its ports, and the Department has not been informed that the discriminations have yet been removed.

The documents which accompanied your communication are herewith returned.

I have the honor to be, Sir, very respectfully,
Your obedient servant,
JAMES BUCHANAN.

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## TO MR. MARCY.[2]

DEPARTMENT OF STATE,
WASHINGTON, 11th January, 1849.

HON. WILLIAM L. MARCY,
Secretary of War.

SIR:

I have the honor to acknowledge the receipt, yesterday, of your letter of the 5th Inst. on the subject of the 28 claims of alleged Spanish subjects for losses suffered in Mexico by the American Forces, which have been presented by Mr. Calderon to this Government. With your letter came also, returned, the Minister's note of the 16th September last, and the various docu-

[1] MSS. Department of State, 37 Domestic Letters, 91.
[2] MSS. Department of State, 37 Domestic Letters, 133.

ments that accompanied it in illustration of the cases in question, and a communication to you of 15th November last from Brevet Major General Persifor F. Smith, in relation to these causes of complaint which had been submitted to him, embracing his report upon all the cases, with the exception of those classed as Numbers 1 & 2.

Before transmitting to the Spanish Minister a copy of your communication and Genl. Smith's report, I have to call your attention to the two cases of omission above referred to, and to solicit your decision upon them.

I had the honor to submit to your Department several like cases presented to this Government by the same Minister, under the respective dates of the 21st September and 16th October, 1847, and the 17th & 31st July last, to which I beg leave at this time also to call your attention.

Mr. Calderon has presented another series of complaints, which will be duly referred as soon as it may be possible to have translations made of the papers.

This Department earnestly desires to have the necessary information to enable it to make a final reply to all the cases which the Minister of Spain has urged upon it, many of which are manifestly both frivolous and unfounded.

I am, Sir, &c.,

JAMES BUCHANAN.

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## TO MR. TOD.[1]

No. 13. DEPARTMENT OF STATE,
WASHINGTON, 12th January, 1849.

TO DAVID TOD, ESQUIRE,
etc., etc., etc.

SIR:—

The Department has been officially informed by the Consul of the United States at Liverpool, that at the time of the destruction by fire of the American ship Ocean Monarch, in August last, near that port, the Brazilian War Steamer Affonzo, commanded by Joaquin Marques Lisboa, which happened to be within view of the disaster, hastened to the rescue of those on board the burning vessel and fortunately succeeded in saving a number of

[1] MSS. Department of State, Instructions, Brazil, XV. 166.

lives. In these humane exertions, Captain Lisboa was efficiently aided by the Prince de Joinville, who was a guest on board the steamer.

Being deeply and gratefully impressed with the conduct of Captain Lisboa, his officers and crew, and with that of the Prince de Joinville, upon the occasion adverted to, the President desires that you should, in an appropriate manner, express to the Brazilian Government his cordial acknowledgments therefor.

Your despatches to No. 31, inclusive, have been received.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO SEÑOR DE LA ROSA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 13th January, 1849.

TO SENOR DON LUIS DE LA ROSA,
&c. &c. &c.

The Undersigned, Secretary of State of the United States, has had the honor to receive the note of Mr. de la Rosa, Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic, of the 4th instant, representing that he had been instructed to claim from this government the sum of seventy-four thousand one hundred and seventy-six dollars and eighty-eight cents, the amount collected at the Maritime Custom Houses at Matamoros, Mazatlan, and Guaymas, between the 30th of May, last, and the dates of the transfers of those Custom Houses to the Mexican authorities.

The delay of this government to fulfil to the letter the promise contained in the third article of the Treaty of Guadalupe Hidalgo has been a source of regret, but has arisen from causes beyond its control, which probably were not anticipated at the time of the conclusion of the Treaty. The application of Mr. de la Rosa might have been complied with, if Mr. Clifford had not previously been instructed to make the payment at Mexico, as the treaty requires. A copy of the instruction and of the papers which accompanied it is herewith communicated, agreeably to Mr. de la Rosa's request. From these it appears, that the net amount of the collections above mentioned was sixty-eight thou-

[1] MSS. Department of State, Notes to Mexican Legation, VI. 196.

sand five hundred dollars and eighteen cents, which is less than that demanded by Mr. de la Rosa. If the difference shall have been occasioned by any mistake on the part of the officers of the United States who were charged with the collections, Mr. de la Rosa may be assured that, upon the exhibition of satisfactory proof, it shall be promptly corrected.

The Undersigned avails himself of this occasion to offer to Mr. de la Rosa renewed assurances of his very high consideration.

James Buchanan.

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## TO MR. LOUGHEAD.[1]

Department of State,
Washington, Jany. 16th, 1849.

R. L. Loughead, Esqre.
U. S. C. Londonderry.

Sir,

In a letter addressed to the 5th Auditor, under date the 25th Ulto: and by him referred to this Department, you state, "There are at present within my Consulate two American Vessels which were cast away some time back. These vessels have been purchased and repaired by British Subjects, who are now desirous to sell them again. Several Citizens of the U. States have applied to me with a view to ascertain whether they could become owners of the Vessels, and whether I could give papers to sail them to the U. States." In reply to your enquiry on that subject, I have to state, that such Vessels can never regain their American character except by special Acts of Congress, and on their arrival in the U. States will be treated as Foreign Vessels.

I am, Sir, &c.

James Buchanan.

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[1] MSS. Department of State, Despatches to Consuls, XII. 417.

## TO M. POUSSIN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 17th Jany., 1849.

MR. WILLIAM TELL POUSSIN,
&c., &c., &c.

SIR:

I have had the honor to receive your note of the 27th ultimo, in which you especially commend to my attention the claim urged by the French Government against the United States in the case of the ship "la Jeune Nelly."

The facts upon which this claim rests are clear and simple.

On the 14th May, 1846, Commodore Conner, the commanding officer of the Gulf Squadron, acting under the authority of the President of the United States, issued a proclamation declaring the port of Vera Cruz (amongst others) to be in a state of rigorous blockade by the ships and vessels under his command. From that day until the 29th March, 1847, when the city of Vera Cruz capitulated to the American arms, this blockade was at all times maintained by a naval force of stationary ships sufficient to render it dangerous for any vessel to enter. If some vessels succeeded in running the blockade, this was only because the alternate calms and violent storms which prevail in the Gulf rendered it impossible for the blockading squadron at all times to prevent vessels from entering and leaving the port.

On the 19th January, 1847, after the blockade had continued nearly eight months, and when its existence was known to all commercial nations, Mr. Dufaitelle despatched his vessel, "la Jeune Nelly," from the port of Havre to that of Vera Cruz. He himself acknowledges that when this vessel left Havre, he knew of the existence of the blockade. On the 13th March, 1847, the "Jeune Nelly" arrived near Vera Cruz, and without enquiring whether the blockade still continued, she (it is believed for the third time) escaped the vigilance of the squadron, and entered the port in safety. Having remained in port seven days, she sailed from Vera Cruz, on the 20th March, 1847, bound to Carmen, when she was captured in again attempting to run the blockade.

If the "Jeune Nelly" had been captured by the blockading squadron before she entered the port of Vera Cruz, the question

[1] MSS. Department of State, Notes to French Legation, VI. 122.

presented by Mr. Pageot and yourself might then have arisen, whether such a capture would have been lawful, without the entry of a previous notice of the blockade on the log book of the vessel by one of the commanders of the squadron. As this question does not arise, it is sufficient for the present to say that I am not aware of any principle of the law of nations, or any usage between the United States and France, which requires this formality; and no treaty now exists or has ever existed between the parties rendering it obligatory. The Convention between the two Republics, of the 30th September, 1800, which expired in 1808, although highly liberal in its character towards neutrals, does not require this formality. The 12th article of this Convention very justly secured from capture, until after previous notice, "vessels who sail for a port or place belonging to an enemy, without knowing that the same is either besieged or blockaded;" but even in this exceptional case, where vessels have left port ignorant of the existence of the blockade, no peculiar form or mode of notice was required. This article, also, secures to neutral vessels which had entered port previous to the institution of the blockade a free egress from it with their cargoes. Indeed, it may be said that the article in its whole extent has become the settled policy of our country in regard to blockades, having since been substantially copied into several of our treaties.

But it is unnecessary to discuss this question, because *the Jeune Nelly was captured, not whilst entering the blockaded port, but in departing from it.* Emboldened by past success, with a full knowledge of the actual blockade in which she herself was embraced, and of all the dangers she would certainly encounter in attempting to make her escape from Vera Cruz, invested as it then was, both by sea and land, by the American forces, she undertook to run the blockade outward, as she had successfully done when entering the port. Choosing the most favorable moment, when a severe norther was blowing, she voluntarily assumed the hazard: and, if she has been captured in the attempt, her owner has no right to complain. On this point the law of nations cannot admit of doubt. Its principles are announced more clearly than I could express them by Sir William Scott, in delivering the opinion of the Court in the case of "the Vrouw Judith." (1st Robinson's Admiralty Reports, p. 151.) That eminent publicist says: "Now, with respect to the matter of blockade, I must observe, that a blockade is just as much violated by a vessel passing outwards as inwards. A blockade is a sort

of circumvallation round a place, by which all foreign connexion and correspondence is, as far as human force can effect it, to be entirely cut off. It is intended to suspend the entire commerce of that place; and a neutral is no more at liberty to assist the traffic of exportation than of importation. The utmost that can be allowed to a neutral vessel is, that having already taken on board a cargo before the blockade begins, she may be at liberty to retire with it. But it must be considered as a rule which this Court means to apply, that a neutral ship, departing, can only take away a cargo *bona fide* purchased and delivered before the commencement of the blockade: if she afterwards takes on board a cargo, it is a fraudulent act, and a violation of the blockade."

But the very question arising in the case of the "Jeune Nelly" has been judicially decided, after full argument, by the United States District Court for Louisiana, a Prize Court of competent jurisdiction; and I now have the honor to transmit you a copy of the opinion of the learned Judge, extracted from the New Orleans Picayune, of the 14th December, 1847. You should have been informed of this opinion sooner; but until Saturday last I was not aware of its existence. I am entirely satisfied that the Court was correct in deciding that the "Jeune Nelly" was lawfully captured by our naval squadron, for violating the blockade in her attempt to escape from the port of Vera Cruz.

I avail myself of this opportunity to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

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## TO MR. MARCY.[1]

DEPARTMENT OF STATE,
WASHINGTON, 17th January, 1849.

HON. WILLIAM L. MARCY,
Secretary of War.

SIR:

Referring to my letter to you of the 11th Inst. in answer to yours of the 5th inst. on the subject of certain claims presented to this Government by the Minister of Spain, on the behalf of

[1] MSS. Department of State, 37 Domestic Letters, 134.

alleged Spanish subjects residing in Mexico, during the late War, I have now the honor to communicate another note from the same Minister, dated on the 6th Ultimo, transmitting other claims of similar origin and character. The note is accompanied by an abstract of the cases now presented; and translations of the papers are also annexed.

The original papers in illustration and explanation of these new cases are also herewith added.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO MR. DURANT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 18th January, 1849.

THOMAS J. DURANT, ESQ.
Atty U. S. for the District of Louisa., New Orleans.

SIR:

In the prize case of the French Ship "La Jeune Nelly," tried in the United States District Court for Louisiana at the April Term, 1847, the Judge decided that this vessel was lawfully captured by our Naval Squadron before Vera Cruz for violating the blockade. It has been recently stated to me that an appeal from this decision was taken, and that some subsequent proceedings were had in the case. I will be much obliged to you to make inquiry into this matter, and if any further proceedings are found to have taken place, to ascertain and report to me what they were, and the result.

I am, Sir, &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 37 Domestic Letters, 96.

## TO MAJORS GRAHAM AND EMORY.[1]

DEPARTMENT OF STATE,
WASHINGTON CITY, 19th January, 1849.

GENTLEMEN: You will receive herewith the list of instruments belonging to this Department, furnished by Major Graham on the 29th December last.

Major Graham and Major Emory will proceed immediately to New York, and if they should deem it advisable to the other Cities where the instruments are deposited; and Major Graham, in whose custody they now are, will deliver such of them to Major Emory, the Chief of the Corps of Topographical Engineers designated to accompany the Commissioner and Surveyor under the 5th Article of the late Treaty with Mexico, as he may deem necessary for correctly running and marking the Boundary Line between the two Republics, taking duplicate receipts for the same. Major Graham will deliver one of these receipts to the Department and preserve the other.

Major Emory will then proceed at once to cause any or all of the instruments so delivered to him to be repaired, if need be, and fitted for the survey of the Mexican Boundary; and to be packed and placed in boxes for transportation on mules.

All the actual expenses incurred in executing these instructions, as well as the personal expenses of Majors Graham and Emory, will be paid out of the appropriation made on the 12th August last, not exceeding $50,000, "for the expenses of running and marking the boundary line between the U. S. and Mexico and paying the salaries of the officers of the Commission." Accounts of these expenses properly vouched will be settled by the Fifth Auditor.

Major Emory, after having received and examined such instruments as he may require, will report immediately to this Department what other instruments he may deem necessary for the survey, together with their probable cost and where they may be obtained the most speedily and upon the best terms.

I am, Gentlemen &c.

JAMES BUCHANAN.

TO MAJOR J. D. GRAHAM AND MAJOR WILLIAM H. EMORY
of the Topographical Engineers of the U. S. Army.

[1] MSS. Department of State, 37 Domestic Letters, 97; S. Ex. Doc. 18, 31 Cong. 1 Sess. 85; S. Ex. Doc. 34, 31 Cong. 1 Sess. 1; H. Ex. Doc. 17, 31 Cong. 1 Sess. 60.

## TO MR. HOPKINS.[1]

(No. 8.) DEPARTMENT OF STATE,
WASHINGTON, 22nd January, 1849.

GEORGE W. HOPKINS, ESQRE.,
&c., &c., Lisbon.

SIR:

I have the honor to acknowledge the receipt of your despatches to No. 13, inclusive,—that of the 28th of November last, as it appears, being numbered 11, instead of 12.

The suggestion you offer, in regard to making Lisbon the Depot of our Mediterranean Squadron, is fully appreciated by the President, who is gratified to learn that so favorable a disposition in reference to it at present exists on the part of Portugal. Had the project been submitted earlier, it would have been embraced with alacrity by this Government. But upon mature consideration it has been deemed inexpedient at this late period to take any steps in the matter, although the object is entirely approved. You are aware that an arrangement already exists by which the Sardinian Government has conceded to us the use of its port of Spezzia. Besides, the close of the existing administration is so nigh that it is manifestly both proper and convenient to leave the whole subject for the decision of the administration which is so shortly to succeed.

The Department can not furnish or authorize you to purchase, for the use of your Legation, the law books for which you have asked. The only books to which the Legation is entitled have already been transmitted.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. JORDAN.[2]

WASHINGTON, 23rd January, 1849.

DEAR SIR: I have received your favor of the 13th Inst., and can assure you that the present administration have been ever ready to assert and maintain the inviolability of our flag upon the ocean against Great Britain and all other nations. The

[1] MSS. Department of State, Instructions, Portugal, XIV. 107.
[2] MSS. Department of State, 37 Domestic Letters, 98.

only reason why the Department has not demanded redress from the British Government for having arrested Mr. McManus on board of an American vessel is that no complaint has ever been made that this arrest took place on the high seas. Neither our Minister to London, who has always been vigilant in asserting the rights of our country, nor our Consul at Cork, nor the master of the American vessel N. O. Chase, on board of which the arrest was made, has ever addressed the Department a line upon the subject. The presumption, therefore, is that the arrest took place in British waters and within exclusive British Jurisdiction. If this be the case, however much we may condemn the act, we have no right, in an international point of view, to demand redress for it under the law of nations. By this code it is well settled that the exclusive jurisdiction of a nation extends to the ports, harbors, bays, mouths of rivers, and adjacent parts of the sea enclosed by headlands; and, also, to the distance of a Marine league or as far as a cannon shot will reach, from the shore along all its coasts. If Mr. McManus were arrested within these limits, on board of an American merchant vessel, by virtue of process issuing from a competent British authority, we have no right to demand redress, either under the law of nations or by virtue of any treaty existing between the two Countries. In case an American citizen charged with a crime in the City of New York should seek an asylum in a British merchant vessel, our authorities, I presume, would not hesitate to arrest him on board of such vessel whilst she remained within waters under our exclusive and absolute jurisdiction. In such a case the flag of Great Britain would afford no protection against the process of the law.

I have never seen the trial of Mr. McManus. If you have a copy of it, I should be glad if you would forward it to me. Should it appear that the arrest was made upon the high seas, the Department would instantly act with decision upon the subject; but if that has not been the case, a demand for redress would only place this Government in a false position, which ought always to be avoided.

In consequence of the information contained in your letter, I shall send an invitation to John Murphy, Esquire, our Consul at Cork, to ascertain and report all the facts of this case to the Department.

Yours Very Respectfully

JAMES BUCHANAN.

MATTHEW JORDAN ESQ.

## TO MR. WELLER.[1]

DEPARTMENT OF STATE,
WASHINGTON, 24th January, 1849.

SIR: The fifth article of the Treaty requiring that the Commissioner and Surveyor of the United States and Mexico, respectively, should meet at San Diego before the 30th May, 1849, no time should be lost in organizing the Commission on our part, preparatory to its departure for the place of destination.

As you will be held responsible for the able and faithful execution of the important public trust confided to you by this article of the Treaty, the President deems it proper to leave to you the organization of the Commission, enjoining it upon you, at the same time, to employ as few persons to assist you as may be compatible with the successful and efficient performance of your duties, and to study economy, as far as practicable, in all your expenditures.

The organization will be effected solely with a view to run and mark the boundary line between the two Republics, although the selection of individuals for this purpose may be made with reference to the incidental collection of information relative to the construction of "a road, canal, or railway" along the River Gila, as provided for by the sixth article of the Treaty.

In organizing the Commission, you are referred, for any information which you may deem necessary, to Andrew B. Gray, Esquire, who has been appointed Surveyor under the Treaty, and Major William H. Emory, of the Topographical Engineers, whom the President has designated to be "Chief Astronomer and Head of the Topographical Scientific Corps of the Commission."

Congress by the Civil and Diplomatic Act of August 12th, 1848, has appropriated, "For the expenses of running and marking the Boundary line between the United States and Mexico, and paying the salaries of the officers of the Commission, a sum not exceeding fifty thousand dollars," and the President considers that he will best effectuate the intentions of Congress by directing that the expenses of the Commission for one year shall be so graduated as not to exceed this appropriation. You will be charged exclusively with the disbursement of the money thus appropriated, with the exception of the sum which may be neces-

[1] MSS. Department of State, 37 Domestic Letters, 164; S. Ex. Doc. 18, 31 Cong. 1 Sess. 85; S. Ex. Doc. 34, 31 Cong. 1 Sess. 2; H. Ex. Doc. 17, 31 Cong. 1 Sess. 61.

sary to execute my instructions of the 19th Instant to Majors Graham and Emory, relative to the delivery of Astronomical instruments from the former to the latter, for the use of the Commission.

Your salary as Commissioner, as well as that of the Surveyor, will commence from this date. In case Congress should not declare by law what these salaries shall be, they will be fixed by the President before the departure of the Commission from the United States. Under the head of contingent expenses of the commission will be embraced your reasonable personal expenses while in service, and those of the Surveyor, Chief Astronomer, and other officers of the Topographical Engineers who may be detailed to assist you in the field; the pay and subsistence of Assistant Surveyors, chain carriers, and laborers, and the incidental and necessary expense of exploring parties, the purchase of stationery, of tents and camp equipage, and the purchase or hire of horses, mules, and vehicles for the transportation of the same.

Of all these expenses you will keep a regular account, which, together with the necessary vouchers, you will render and transmit quarterly to the Fifth Auditor of the Treasury for settlement; and to meet the same, as likewise the payment of the salaries, you will from time to time, as occasion may require, draw upon the Department, taking care not to exceed, in the amount drawn at any one time, the sum which will be required to meet the actual and necessary expenses of the Commission.

After the Commission on the part of the United States shall have been properly organized under your direction, and before your departure from the country, you will receive further instructions.

I am, Sir, &c.

JAMES BUCHANAN.

To JOHN B. WELLER, Esq., "Commissioner for running the Boundary Line between the United States and the Republic of Mexico, under the fifth article of the Treaty with that Republic, concluded on the 2d February, 1848."

## TO THE PRESIDENT.[1]

[January 25, 1849.]

To the President of the United States.

The Secretary of State, to whom was referred the Resolution of the Senate of the 21st Ultimo, requesting the President "to communicate to the Senate (if in his opinion not incompatible with the public service) a copy of the despatches transmitted to the Secretary of State in August last, by the Resident Minister at Rio de Janeiro, in reference to the service and general conduct of Commodore G. W. Storer, Commander in Chief of the United States Naval forces on the Coast of Brazil"—has the honor to lay before the President extracts from all those parts of a despatch addressed to this Department, under date the 5th September last, by Mr. Tod, the Minister Plenipotentiary of the United States at Rio de Janeiro, and a copy of the papers therein referred to, relating to the service and general conduct of Commodore G. W. Storer, which despatch is presumed to be that called for by the Resolution.

Respectfully submitted.

James Buchanan.

Department of State,
Washington, 25th January 1849.

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## TO BARON ROENNE.[2]

Department of State,
Washington, 26th January, 1849.

Baron Von Roenne,
&c. &c. &c. German Empire.

Sir:

I have the honor to acknowledge the receipt of your note of yesterday, transmitting copy of a letter by which His Imperial Highness, the Vicaire of the German Empire, announces your appointment as Envoy Extraordinary and Minister Plenipoten-

[1] MSS. Department of State, Report Book, VI. 275. This report was transmitted by President Polk to the Senate, January 29, 1849. The message of transmittal is printed in Richardson's Messages and Papers of the Presidents, IV. 678.

[2] MSS. Department of State, Notes to German States, VI. 105.

tiary near the United States, and inquiring when it will be convenient to give you an audience for the purpose of delivering the original to the President.

The President has appointed one o'clock to-day for your reception,—and if you will do me the favor to call at the Department at 12½, it will give me pleasure to accompany you to his residence.

Accept the assurance of my distinguished consideration.

JAMES BUCHANAN.

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## TO MR. MURPHY.[1]

DEPARTMENT OF STATE,
WASHINGTON, Jany. 26th, 1849.

JOHN MURPHY, ESQRE.
U. S. Consul, Cork.

SIR,

Communications have been received at this Department respecting the arrest of Terence B. McManus, a British subject, on board the American Merchant Ship "N. D. Chase." After leaving the shores of Great Britain, that Vessel is understood to have been, by accident or stress of weather, driven into the Cove of Cork, outside of which, it has been said, the warrant was executed. It is matter of great regret that the Department is not sufficiently possessed of the facts of the case to authorize definitive action on the subject. The important question is whether the arrest was made within exclusive British Jurisdiction or beyond its lawful limits. In the first case, this would be permitted by the law of Nations; but in the latter, it would be an outrage upon the American Flag, demanding redress. In order to enable the Department to adopt the proper course, I have to request that you will promptly communicate to me a statement of all the facts and circumstances attending the arrest: where it was made, whether within acknowledged British Jurisdiction or on the high seas, and, also, transmit a copy of such of the proceedings against Mr. McManus as may cast light upon this question. Any expense which you may incur in making the necessary investigations will be borne by the Department.

I am, Sir, &c.

JAMES BUCHANAN.

[1] MSS. Department of State, Despatches to Consuls, XII. 418.

## TO MR. HOPKINS.[1]

(No. 9.) DEPARTMENT OF STATE,
WASHINGTON, 31st January, 1849.

GEORGE W. HOPKINS, ESQRE.,
&c., &c., Lisbon.

SIR:

I transmit to you, herewith, a copy of a Memorial addressed to me on the 15th instant, by the owners and underwriters of the Schooner "Col: Blum," Captain Tate, Master,—presenting a claim against the Portuguese Government for losses sustained in consequence of her alleged illegal seizure, and subsequent destruction, at the Isle of Sal, one of the Cape Verdes.

I transmit at the same time the various documents, in support of the claim, which accompanied the memorial,—lettered A, B, C, D, and E.

This case will be brought by you to the immediate attention of the Portuguese Government. It calls for prompt inquiry; and the proximity of the theatre of the alleged outrage precludes the necessity of any considerable delay in ascertaining the truth of the facts stated by the parties aggrieved. Should the statement prove correct,—of which there does not seem to be a reasonable doubt,—full indemnity will be due, and should be accordingly demanded by you in strong but respectful language; and you will insist upon ample reparation for all the consequences of acts so flagrantly unjust and inhuman, committed by the Portuguese authorities at the Cape Verdes,—whose conduct on the occasion should meet, at the hands of their Government, with appropriate punishment. You will, also, indicate to the Minister of Foreign Affairs the importance of adopting measures to prevent a recurrence of similar acts; whose repetition can not fail to jeopard the friendly relations now subsisting between the two countries.

The parties interested will be desired to correspond directly with you, and to furnish any further information that may be needed; of which you will apprise them.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Portugal, XIV. 109.

## TO MR. MARCY.[1]

DEPARTMENT OF STATE.
WASHINGTON, 31st January, 1849.

HON. WILLIAM L. MARCY,
Secretary of War.

SIR:

Referring to my communications of the 11th & 17th instant, on the subject of Spanish claims upon the U. S. for alleged losses during the Mexican War, I beg leave now to transmit the original and translation of a note addressed to me by the Minister of Spain on the 15th Instant, relating to the respective claims of José Valverde or Villaverde.—the Laura Virginia, and Don Gaspar de Oliva, &c.

The original papers and translations in the first and last cases are herewith submitted, copies of which have been already sent, and those in the case of the Laura Virginia, just translated, are now for the first time transmitted.

These papers, together with those heretofore sent, are believed to contain all the matters of complaint submitted by the Spanish Minister which concern your Department, and I ask that they may be returned.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO THE PRESIDENT.[2]

DEPARTMENT OF STATE,
WASHINGTON, February 1, 1849.

The Secretary of State has the honor respectfully to submit to the President a report just received at this department from the Commissioner of Patents, respecting the use by this government of an alleged invention of Mr. John B. Emerson.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

[1] MSS. Department of State, 37 Domestic Letters, 134.

[2] This report was transmitted by President Polk to the Senate, with the following message (S. Report 204, 30 Cong. 2 Sess. 11):

TO THE SENATE OF THE UNITED STATES:

I communicate herewith reports from the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, together with the accompanying documents, in answer to a resolution

## TO SEÑOR CALDERON DE LA BARCA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 1st February, 1849.

DON A. CALDERON DE LA BARCA,
&c. &c. &c.

SIR:

I have the honor to acknowledge the receipt of your note of the 26th ultimo, on the subject of the arrest, at Havana, of William H. Bush, steward of the packet "Childe Harold," for an alleged violation of the laws of that port, prohibiting the fraudulent introduction of letters and other printed matter.

In compliance with the request contained in your note of the 30th ultimo, I transmit, herewith, the act of the President recognising Mr. John G. Doon as Vice Consul of Spain for the port of Savannah, in Georgia, and return, at the same time, Mr. Doon's commission, which accompanied your note.

All the reclamations of Spanish subjects for alleged injuries occasioned by our forces in Mexico, which have been presented by you from time to time, have now been submitted to the Secretary of War, whose decision upon them will be communicated to you as soon as received.—The delay that has attended some of these cases has arisen solely from the length of time required to translate the voluminous documents which accompanied them.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

JAMES BUCHANAN.

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of the Senate of the 15th January, 1849, "that the petition and papers of John B. Emerson be referred to the President of the United States, and that he be requested to cause a report thereon to be made to the Senate, wherein the public officer making such report shall state in what cases, if any, the United States have used or employed the invention of said Emerson contrary to law, and, further, whether any compensation therefor is justly due to said Emerson, and, if so, to what amount in each case."

JAMES K. POLK.

WASHINGTON, February 1, 1849.

[1] MSS. Department of State, Notes to Spanish Legation, VI. 173.

## TO MR. McCLELLAND.[1]

DEPARTMENT OF STATE,
WASHINGTON, 1st February, 1849.

TO THE HON. R. McCLELLAND,
of the Committee on Foreign Affairs,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th Ultimo, upon the subject of claims of citizens of the United States against the Mexican Government, under the Treaty of Guadalupe Hidalgo. In reply, I have the honor to refer you to the subjoined statement of sums stipulated to be paid to the United States by other foreign Governments, in discharge of claims of our citizens against them, and the amounts awarded to the claimants by Boards of Commissioners appointed to carry the respective Conventions into effect. At the time of the departure of Mr. Slidell on his mission, an estimate of the pending claims of our citizens upon the Mexican Government, other than those which had been presented to the Board of Commissioners, was prepared for his use. This you can examine if you will call at the Department. I am not aware that we have any unpublished information in regard to the empresario grants.

I have the honor to be &c.

JAMES BUCHANAN.

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## MEMORANDUM.[2]

February 2, 1849.—I observed to Mr. Crampton that the inference drawn in the foregoing despatch, that "the United States itself admits that this right (the right of navigation which

[1] MSS. Department of State, 37 Domestic Letters, 103.

[2] S. Ex. Doc. 20, 31 Cong. 2 Sess. 11–12. The despatch referred to in the above memorandum is as follows (S. Ex. Doc. 20, 31 Cong. 2 Sess. 10–11):

FOREIGN OFFICE, September 18, 1848.

SIR: I am directed by Viscount Palmerston to acknowledge the receipt of your letter of the 11th instant, enclosing minutes of conversations between the agents of the Hudson's Bay Company and the United States Secretary of State, and the opinions of Mr. Webster and Mr. Coxe upon the question whether the Hudson's Bay Company has any power to convey to the United States the right of navigating the Columbia river which is secured to her Majesty's subjects by virtue of the second article of the treaty which was signed at Washington on the 15th June, 1846, for the

the treaty gives) is not a thing which the Hudson's Bay Company can be entitled to sell," from the fact that this "government wants it to be surrendered by a new treaty between the two governments," is a *non sequitur*. In expressing a decided opinion for myself, *individually*, that this right, as it had been acquired by treaty, should, in order to avoid future difficulties, be surrendered by a new treaty, (an opinion expressed at the very time when the question was before the Senate with a view to the negotiation of such a treaty,) I never admitted, nor intended to admit, that it could not be legitimately purchased, without a treaty, by the United States from the Hudson's Bay Company, together with their other property and possessions in Oregon, in case Congress should make an appropriation for this purpose.

To this Mr. Crampton replied, that upon referring to his despatch to Lord Palmerston, detailing the conversation referred

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settlement of the Oregon boundary, and you propose that Lord Palmerston should authorize you to consult her Majesty's Attorney and Solicitor General upon the above mentioned question.

I am to state to you, in reply, that Lord Palmerston sees no necessity for any such reference to the law officers, because he cannot conceive how any doubt can exist as to the meaning and effect of the article in question, the words of which appear to his lordship to be perfectly plain and clear.

Lord Palmerston considers that the right therein mentioned belongs to the Hudson's Bay Company and to all and any other British subjects trading with that company; for he agrees with you in presuming that the words "*the same*," employed in the first clause of article second of the treaty of July 17, 1846, must be construed as meaning the Hudson's Bay Company; and his lordship is of opinion that, although the Puget's Sound Agricultural Company may, by virtue of the fourth article of the same treaty, sell to the United States the farms, lands, and other property of every description belonging to that company on the north side of the Columbia river and south of the boundary line between the United States and the British territory, yet there is no provision in the treaty authorizing the Hudson's Bay Company to sell the right of navigation, which is described in the second article of that treaty, and which belongs to others as well as themselves.

If the Columbia river is navigable only up to the forty-ninth parallel of north latitude, and if the Hudson's Bay Company should sell everything they possess south of that parallel, and should retire altogether from the country south of that line, then indeed it seems evident that the article giving to them and others the right of navigating the Columbia will become a dead letter, because they will not be there to trade or be traded with, and no British subject can, therefore, want or ask to go up the Columbia in order to trade with them.

But Lord Palmerston apprehends that the Columbia is navigable for

to, he found, and we agreed, that it contained nothing inconsistent with the above statement; but to avoid all misunderstanding upon the subject hereafter, he would communicate my explanation to his lordship. On the same day I gave Mr. Crampton a copy of this memorandum.

JAMES BUCHANAN.

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## TO MR. STILES.[1]

(No. 26.) DEPARTMENT OF STATE,
WASHINGTON, February 2, 1849.

SIR: I have the honor to acknowledge the receipt of your despatch No. 46, which reached the Department on the 15th ultimo.

You were placed in a novel and embarrassing position by the application made to you, in behalf of Mr. Kossuth, to "undertake an intervention for the settlement of the differences existing between the Imperial Government and the Kingdom of Hungary;" and I am gratified that your prudence and ability were equal to the occasion. In our foreign policy we must ever be

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some craft or other higher up than the forty-ninth parallel; and the country above that parallel, which belongs to the British crown, has been granted to the Hudson's Bay Company for at least a limited time to come, and the grant so made may be renewed and extended. The country to the north of the forty-ninth parallel which is thus accessible by the Columbia is not so easily accessible by land; and when that country becomes settled, British subjects may want to get at it by the Columbia, in order to trade with the settlements of the Hudson's Bay Company therein. Lord Palmerston therefore thinks that it would be inexpedient for the British government to surrender the right of navigation which the treaty gives.

The United States itself admits that this right is not a thing which the Hudson's Bay Company can be entitled to sell, because that government wants it to be surrendered by a new treaty between the two governments. If the United States wish to negotiate such a treaty, it is for them to propose it, and to say what equivalent they are prepared to offer, not to the Hudson's Bay Company, but to the British crown, in exchange for the right which they want the British crown to give up; but her Majesty's government have no proposal to make, they being quite content to leave these things as they are. I am, &c., &c.,

H. U. ADDINGTON

SIR JOHN H. PELLY, BART.,
Hudson's Bay House

[1] MSS. Department of State, Instructions, Austria, I. 55; S. Ex. Doc. 43, 31 Cong. 1 Sess. 11.

governed by the wise maxim not to interfere with the domestic concerns of foreign nations; and from this you have not departed. You have done no more, in your own language, than to attempt to open the door of reconciliation between the opposing parties, leaving them to adjust their differences without your intervention. Considering there was reason to believe that the previous offers of the Hungarian Government, for a reconciliation, had never reached the Imperial Government, and that no other practicable mode of communicating these offers existed, except through your agency, you acted wisely in becoming an intermediary for this purpose alone. Had you refused thus to act upon the request of Mr. Kossuth, you might have been charged with a want of humanity, and been held, in some degree, responsible for the blood which has since been so profusely shed in the war. The President entirely approves your conduct.

It may be remarked that the request of Mr. Kossuth to yourself, in his letter of the 29th November, 1848, does not seem to be confined to the single object which alone you had informed his friend you would attempt to accomplish.

I am, sir, respectfully, your obedient servant.

JAMES BUCHANAN.

WILLIAM H STILES, Esq., &c., &c., Vienna.

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## TO THE CHEVALIER HÜLSEMANN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 6th February, 1849.

CHEVALIER HÜLSEMANN,
&c., &c., &c. Austria.

SIR:

I have the honor to acknowledge the receipt of your note of the 2nd ultimo, announcing, by direction of your Government, that His Majesty the Emperor Ferdinand I. had abdicated the imperial throne, in favor of his nephew, the Arch-Duke Francis Joseph.

Cabinet letters communicating intelligence of these important changes were received by the President, and his replies have been transmitted to Vienna.—That these events may be

[1] MSS. Department of State, Notes to German States, VI. 196.

followed by order and tranquillity, and promote the lasting happiness of the Austrian People, is the sincere wish of the American Government.

I am, Sir, with great consideration,

Your obedient servant,

JAMES BUCHANAN

## TO MR. BREEDLOVE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 6th February, 1849.

To JAMES W. BREEDLOVE, ESQ.
New Orleans.

SIR:

Your letter of the 26th Ultimo, relative to the claim upon the late Government of Colombia in the case of the Brig Sarah Wilson, has been received. In reply, I transmit a copy of the Convention upon the subject signed by Mr. Shields and the Minister for Foreign Affairs of Venezuela, on the 12th of April last. In consequence of the pressure of other business, this Convention was not acted upon by the Venezuelan Congress at its last Session. Mr. Shields, however, expressed an opinion that if another Congress of that Republic should assemble at the usual period, the Convention would be ratified.

I am, Sir, &c.

JAMES BUCHANAN.

## TO MR. RICHARDS ET AL.[1]

DEPARTMENT OF STATE,
WASHINGTON, 6th February, 1849.

BENJAMIN RICHARDS, ESQ.
J. HARRISON, ESQ., President Mutual Security Insurance Co.
and others, New York.

GENTLEMEN: I have the honor to inform you that a copy of your letter of the 15th Ult. and the documents which accompanied it, on the subject of the illegal seizure and subsequent destruction of the Schooner Col. Blum, Capt. Tate, Master, have been transmitted to Mr. Geo. W. Hopkins, U. S. Chargé

[1] MSS. Department of State, 37 Domestic Letters, 105.

d'Affaires at Lisbon, who has been instructed after investigation to present your claim to the Government of Portugal and to demand indemnification.

Mr. Hopkins has also been informed that the parties interested would be desired to correspond directly with him upon the subject, and to furnish him with any further information in relation to the case which may be necessary to its prosecution

I am, gentlemen, &c.

JAMES BUCHANAN.

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## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 8th February, 1849.

The Secretary of State, to whom was referred the Resolution of the House of Representatives of the 5th Instant requesting the President to communicate to that House a correct copy of the Treaty of Guadalupe Hidalgo, of the instructions of this Government to Commissioners A. H. Sevier and N. Clifford, together with such other correspondence as appertains to said Treaty, has the honor to lay before the President the papers mentioned in the subjoined list, which embrace all the papers in this Department called for by the Resolution.

Respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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## MESSAGE OF PRESIDENT POLK

### ON THE TREATY OF PEACE WITH MEXICO.[2]

[February 8, 1849.]

TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES:

In reply to the resolutions of the House of Representatives, of the fifth instant, I communicate herewith a report from the Secretary of State,[3] accompanied with all the documents and correspondence relating to the treaty of peace concluded between the United States and Mexico, at Guada-

[1] MSS. Department of State, Report Book, VI. 276; H. Ex. Doc. 50, 30 Cong. 2 Sess. 9.

[2] H. Ex. Doc. 50, 30 Cong. 2 Sess. 1.

[3] See the report preceding.

lupe Hidalgo, on the 2d of February, 1848, and to the amendments of the Senate thereto, as requested by the House in the said resolutions.

Amongst the documents transmitted will be found a copy of the instructions given to the commissioners of the United States who took to Mexico the treaty as amended by the Senate and ratified by the President of the United States. In my message to the House of Representatives of the twenty-ninth of July, 1848, I gave as my reason for declining to furnish these instructions, in compliance with a resolution of the House, that, "in my opinion, it would be inconsistent with the public interests to give publicity to them at the present time." Although it may still be doubted whether giving them publicity in our own country, and, as a necessary consequence, in Mexico, may not have a prejudicial influence on our public interests: yet, as they have been again called for by the House, and called for in connexion with other documents, to the correct understanding of which they are indispensable, I have deemed it my duty to transmit them.

I still entertain the opinion expressed in the message referred to, "that, as a general rule, applicable to all our important negotiations with foreign powers, it could not fail to be prejudicial to the public interest to publish the instructions to our ministers, until some time had elapsed after the conclusion of such negotiations."

In these instructions of the 18th of March, 1848, it will be perceived "that the task was assigned to the commissioners of the United States of consummating the treaty of peace, which was signed at Guadalupe Hidalgo on the second day of February last, between the United States and the Mexican republic, and which, on the tenth of March last, was ratified by the Senate with amendments."

They were informed "that this brief statement will indicate to you clearly the line of your duty. You are not sent to Mexico for the purpose of negotiating any new treaty, or of changing in any particular the ratified treaty which you will bear with you. None of the amendments adopted by the Senate can be rejected or modified, except by the authority of that body. Your whole duty will then consist in using every honorable effort to obtain from the Mexican government a ratification of the treaty, in the form in which it has been ratified by the Senate, and this with the least practicable delay." "For this purpose, it may, and most probably will, become necessary that you should explain to the Mexican minister for foreign affairs, or to the authorized agents of the Mexican government, the reasons which have influenced the Senate in adopting these several amendments to the treaty. This duty you will perform, as much as possible, by personal conferences. Diplomatic notes are to be avoided unless in case of necessity. These might lead to endless discussion and indefinite delay. Besides, they could not have any practical result, as your mission is confined to procuring a ratification, from the Mexican government, of the treaty as it came from the Senate, and does not extend to the slightest modification in any of its provisions."

The commissioners were sent to Mexico to procure the ratification of the treaty *as amended by the Senate*. Their instructions confined them to this point. It was proper that the amendments to the treaty adopted by the United States should be explained to the Mexican government, and explanations were made by the Secretary of State in his letter of the 18th of March, 1848, to the Mexican minister for foreign affairs, under my direc-

tion. This despatch was communicated to Congress with my message of the 6th of July last, communicating the treaty of peace, and published by their order. This despatch was transmitted by our commissioners, from the city of Mexico to the Mexican government, then at Queretaro, on the 17th of April, 1848, and its receipt acknowledged on the 19th of the same month. During the whole time that the treaty, as amended, was before the congress of Mexico, these explanations of the Secretary of State, and these alone, were before them.

The president of Mexico, on these explanations, on the 8th day of May, 1848, submitted the amended treaty to the Mexican congress, and, on the 25th of May, that congress approved the treaty as amended without modification or alteration. The final action of the Mexican congress had taken place before the commissioners of the United States had been officially received by the Mexican authorities, or held any conference with them, or had any other communication on the subject of the treaty except to transmit the letter of the Secretary of State.

In their despatch, transmitted to Congress with my message of the 6th of July last, communicating the treaty of peace, dated "City of Queretaro, May 25, 1848, 9 o'clock, P.M.," the commissioners say: "We have the satisfaction to inform you that we reached this city this afternoon at about 5 o'clock, and that the treaty, as amended by the Senate of the United States, passed the Mexican senate about the hour of our arrival, by a vote of 33 to 5. It having previously passed the house of deputies, nothing now remains but to exchange the ratifications of the treaty."

On the next day (the 26th of May) the commissioners were, for the first time, presented to the president of the republic, and their credentials placed in his hands. On this occasion the commissioners delivered an address to the president of Mexico, and he replied. In their despatch of the 30th of May, the commissioners say: "We enclose a copy of our address to the president, and also a copy of his reply. Several conferences afterwards took place between Messrs. Rosa, Cuevas, Conto, and ourselves, which it is not thought necessary to recapitulate, as we enclose a copy of the protocol, which contains the substance of the conversations. We have now the satisfaction to announce that the exchange of ratifications was effected to-day." This despatch was communicated with my message of the 6th of July last, and published by order of Congress.

The treaty, as amended by the Senate of the United States, with the accompanying papers, and the evidence that in that form it had been ratified by Mexico, was received at Washington on the 4th day of July, 1848, and immediately proclaimed as the supreme law of the land. On the 6th of July, I communicated to Congress the ratified treaty, with such accompanying documents as were deemed material to a full understanding of the subject, to the end that Congress might adopt the legislation necessary and proper to carry the treaty into effect. Neither the address of the commissioners, nor the reply of the president of Mexico, on the occasion of their presentation, nor the memorandum of conversations embraced in the paper called a protocol, nor the correspondence now sent, were communicated, because they were not regarded as in any way material; and in this I conformed to the practice of our government. It rarely if ever happens that all the correspondence, and especially the instructions to our ministers, is communi-

cated. Copies of these papers are now transmitted, as being within the resolutions of the House calling for all such "correspondence as appertains to said treaty."

When these papers were received at Washington, peace had been restored, the first instalment of three millions paid to Mexico, the blockades were raised, the city of Mexico evacuated, and our troops on their return home. The war was at an end, and the treaty, as ratified by the United States, was binding on both parties, and already executed in a great degree. In this condition of things it was not competent for the President alone, or for the President and Senate, or for the President, Senate, and House of Representatives combined, to abrogate the treaty, to annul the peace and restore a state of war, except by a solemn declaration of war.

Had the protocol varied the treaty, as amended by the Senate of the United States, it would have had no binding effect.

It was obvious that the commissioners of the United States did not regard the protocol as in any degree a part of the treaty, nor as modifying or altering the treaty as amended by the Senate. They communicated it as the substance of conversations held after the Mexican congress had ratified the treaty, and they knew that the approval of the Mexican congress was as essential to the validity of a treaty in all its parts as the advice and consent of the Senate of the United States. They knew, too, that they had no authority to alter or modify the treaty in the form in which it had been ratified by the United States, but that, if failing to procure the ratification of the Mexican government otherwise than with amendments, their duty, imposed by express instructions, was to ask of Mexico to send, without delay, a commissioner to Washington to exchange ratifications here, if the amendments of the treaty proposed by Mexico, on being submitted, should be adopted by the Senate of the United States.

I was equally well satisfied that the government of Mexico had agreed to the treaty as amended by the Senate of the United States, and did not regard the protocol as modifying, enlarging, or diminishing its terms or effect. The president of that republic, in submitting the amended treaty to the Mexican congress, in his message on the 8th day of May, 1848, said: "If the treaty could have been submitted to your deliberation precisely as it came from the hands of the plenipotentiaries, my satisfaction at seeing the war at last brought to an end would not have been lessened as it this day is in consequence of the modifications introduced into it by the Senate of the United States, and which have received the sanction of the President." "At present it is sufficient for us to say to you that if, in the opinion of the government, justice had not been evinced on the part of the Senate and government of the United States, in introducing such modifications, it is presumed, on the other hand, that they are not of such importance that they should set aside the treaty. I believe, on the contrary, that it ought to be ratified upon the same terms in which it has already received the sanction of the American government. My opinion is also greatly strengthened by the fact that a new negotiation is neither expected or considered possible. Much less could another be brought forward upon a basis more favorable for the republic."

The deliberations of the Mexican congress, with no explanation before that body from the United States, except the letter of the Secretary of

State, resulted in the ratification of the treaty, as recommended by the president of that republic, in the form in which it had been amended and ratified by the United States. The conversations embodied in the paper called a protocol took place after the action of the Mexican congress was complete; and there is no reason to suppose that the government of Mexico ever submitted the protocol to the congress, or ever treated or regarded it as in any sense a new negotiation, or as operating any modification or change of the amended treaty. If such had been its effect, it was a nullity until approved by the Mexican congress; and such approval was never made or intimated to the United States. In the final consummation of the ratification of the treaty by the president of Mexico, no reference is made to it. On the contrary, this ratification, which was delivered to the commissioners of the United States, and is now in the State Department, contains a full and explicit recognition of the amendments of the Senate just as they had been communicated to that government by the Secretary of State, and been afterwards approved by the Mexican congress. It declares that, "having seen and examined the said treaty, and the modifications made by the Senate of the United States of America, and having given an account thereof to the general congress, conformably to the requirement in the XIVth paragraph of the 110th article of the federal constitution of these United States, that body has thought proper to approve of the said treaty, with the modifications thereto in all their parts; and, in consequence thereof, exerting the power granted to me by the constitution, I accept, ratify, and confirm the said treaty with its modifications, and promise, in the name of the Mexican republic, to fulfil and observe it, and to cause it to be fulfilled and observed."

Upon an examination of this protocol, when it was received with the ratified treaty, I did not regard it as material, or as in any way attempting to modify or change the treaty as it had been amended by the Senate of the United States.

The first explanation which it contains is "that the American government by suppressing the ninth article of the treaty of Guadalupe, and substituting the third article of the treaty of Louisiana, did not intend to diminish, in any way, what was agreed upon by the aforesaid article (ninth) in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the third article of the treaty of Louisiana. In consequence, all the privileges and guarantees, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories, if the ninth article of the treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted."

The ninth article of the original treaty stipulated for the incorporation of the Mexican inhabitants of the ceded territories, and their admission into the Union "as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights of citizens of the United States." It provided, also, that in the mean time they should be maintained in the enjoyment of their liberty, their property, and their civil rights, now vested in them according to the Mexican laws. It secured to them similar political rights with the inhabitants of the other territories of the United States, and at least equal to the inhabitants of Louisiana and Florida when they were in a territorial condition. It then proceeded to guarantee that ecclesi-

astics and religious corporations should be protected in the discharge of the offices of their ministry, and the enjoyment of their property of every kind, whether individual or corporate, and finally, that there should be a free communication between the Catholics of the ceded territories and their ecclesiastical authorities, "even although such authorities should reside within the limits of the Mexican republic, as defined by this treaty."

The ninth article of the treaty, as adopted by the Senate, is much more comprehensive in its terms and explicit in its meaning, and it clearly embraces, in comparatively few words, all the guarantees inserted in the original article. It is as follows: "Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction." This article, which was substantially copied from the Louisiana treaty, provides equally with the original article for the admission of these inhabitants into the Union; and in the mean time, whilst they shall remain in a territorial state, by one sweeping provision, declares that they "shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction."

This guarantee embraces every kind of property, whether held by ecclesiastics or laymen, whether belonging to corporations or individuals. It secures to these inhabitants the free exercise of their religion without restriction, whether they choose to place themselves under the spiritual authority of pastors resident within the Mexican republic or the ceded territories. It was, it is presumed, to place this construction beyond all question that the Senate superadded the words "without restriction" to the religious guarantee contained in the corresponding article of the Louisiana treaty. Congress itself does not possess the power under the constitution to make any law prohibiting the free exercise of religion.

If the ninth article of the treaty, whether in its original or amended form, had been entirely omitted in the treaty, all the rights and privileges which either of them confers would have been secured to the inhabitants of the ceded territories by the constitution and laws of the United States.

The protocol asserts that "the American government, by suppressing the tenth article of the treaty of Guadalupe, did not in any way intend to annul the grants of lands made by Mexico in the ceded territories;" that "these grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate titles to be acknowledged before the American tribunals;" and then proceeds to state that, "conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories, are those which were legitimate titles under the Mexican law in California and New Mexico up to the thirteenth of May, 1846, and in Texas up to the second of March, 1836." The former was the date of the declaration of war against Mexico, and the latter that of the declaration of independence by Texas.

The objection to the tenth article of the original treaty was not that it protected legitimate titles, which our laws would have equally protected without it, but that it most unjustly attempted to resuscitate grants which had become a mere nullity, by allowing the grantees the same period after the exchange of the ratifications of the treaty to which they had been originally entitled after the date of their grants, for the purpose of performing the conditions on which they had been made. In submitting the treaty to the Senate, I had recommended the rejection of this article. That portion of it in regard to lands in Texas did not receive a single vote in the Senate. This information was communicated by the letter of the Secretary of State to the minister for foreign affairs of Mexico, and was in possession of the Mexican government during the whole period the treaty was before the Mexican congress, and the article itself was reprobated in that letter in the strongest terms. Besides, our commissioners to Mexico had been instructed that "neither the President nor the Senate of the United States can ever consent to ratify any treaty containing the tenth article of the treaty of Guadalupe Hidalgo in favor of grantees of land in Texas or elsewhere." And again: "Should the Mexican government persist in retaining this article, then all prospect of immediate peace is ended; and of this you may give them an absolute assurance."

On this point the language of the protocol is free from ambiguity; but, if it were otherwise, is there any individual, American or Mexican, who would place such a construction upon it as to convert it into a vain attempt to revive this article which had been so often and so solemnly condemned? Surely no person could for one moment suppose that either the commissioners of the United States or the Mexican minister for foreign affairs ever entertained the purpose of thus setting at naught the deliberate decision of the President and Senate, which had been communicated to the Mexican government with the assurance that their abandonment of this obnoxious article was essential to the restoration of peace.

But the meaning of the protocol is plain. It is simply that the nullification of this article was not intended to destroy valid legitimate titles to land which existed and were in full force independently of the provisions and without the aid of this article. Notwithstanding it has been expunged from the treaty, these grants were to "preserve the legal value which they may possess." The refusal to revive grants which had become extinct was not to invalidate those which were in full force and vigor. That such was the clear understanding of the Senate of the United States, and this in perfect accordance with the protocol, is manifest from the fact that, whilst they struck from the treaty this unjust article, they at the same time sanctioned and ratified the last paragraph of the eighth article of the treaty, which declares that, "in the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States."

Without any stipulation in the treaty to this effect, all such valid titles under the Mexican government would have been protected under the constitution and laws of the United States.

The third and last explanation contained in the protocol is that "the

government of the United States, by suppressing the concluding paragraph of article twelfth of the treaty, did not intend to deprive the Mexican republic of the free and unrestrained faculty of ceding, conveying, or transferring, at any time, (as it may judge best,) the sum of the twelve millions of dollars which the same government of the United States is to deliver in the places designated by the amended article."

The concluding paragraph of the original twelfth article, thus suppressed by the Senate, is in the following language, "certificates in proper form, for the said instalments respectively, in such sums as shall be desired by the Mexican government, and transferable by it, shall be delivered to the said government by that of the United States."

From this bare statement of facts, the meaning of the protocol is obvious. Although the Senate had declined to create a government stock for the twelve millions of dollars, and issue transferable certificates for the amount, in such sums as the Mexican government might desire, yet they could not have intended thereby to deprive that government of the faculty which every creditor possesses of transferring for his own benefit the obligation of his debtor, whatever this may be worth, according to his will and pleasure.

It cannot be doubted that the twelfth article of the treaty, as it now stands, contains a positive obligation, "in consideration of the extension acquired by the boundaries of the United States," to pay to the Mexican republic twelve millions of dollars, in four equal annual instalments of three millions each. This obligation may be assigned by the Mexican government to any person whatever; but the assignee in such case would stand in no better condition than the government. The amendment of the Senate, prohibiting the issue of a government transferable stock for the amount, produces this effect and no more.

The protocol contains nothing from which it can be inferred that the assignee could rightfully demand the payment of the money, in case the consideration should fail, which is stated on the face of the obligation.

With this view of the whole protocol, and considering that the explanations which it contained were in accordance with the treaty, I did not deem it necessary to take any action upon the subject. Had it varied from the terms of the treaty as amended by the Senate, although it would, even then, have been a nullity in itself, yet duty might have required that I should make this fact known to the Mexican government. This not being the case, I treated it in the same manner I would have done had these explanations been made verbally by the commissioners to the Mexican minister for foreign affairs, and communicated in a despatch to the State Department.

JAMES K. POLK.

WASHINGTON, February 8, 1849.

## TO MR. TOUCEY.[1]

DEPARTMENT OF STATE.
WASHINGTON, February 8th, 1849

SIR: I have the honor to enclose to you a translation of a letter which I have just received from the French Minister, Mr. Poussin, respecting what he considers as an infraction of his diplomatic privileges; and request that you would give me your opinion whether any thing and what can be legally done for the relief of Mr. Marie, his attaché.

I am Sir &c.

JAMES BUCHANAN,
Secretary of State.

TO THE HON. ISAAC TOUCEY,
Attorney General, U. S

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## TO THE PRESIDENT.[2]

[February 9, 1849.]

TO THE PRESIDENT OF THE UNITED STATES.

The Secretary of State, to whom was referred the Resolution of the Senate of the 6th Inst. requesting the President to

[1] MSS. Department of State, 37 Domestic Letters, 106.

[2] MSS. Department of State, Report Book, VI. 277. This report was transmitted on the same day by President Polk to the Senate, with the following message (Richardson's Messages, IV. 687):

TO THE SENATE OF THE UNITED STATES:

In compliance with the resolution of the Senate of the 6th instant, requesting the President to cause to be laid before that body, in "executive or open session, in his discretion, any instructions given to Ambrose H. Sevier and Nathan Clifford, commissioned as ministers plenipotentiary on the part of the United States to the Government of Mexico, or to either of said ministers, prior to the ratification by the Government of Mexico of the treaty of peace between the United States and that Republic," and certain correspondence and other papers specified in the said resolution, I communicate herewith a report from the Secretary of State, together with copies of the documents called for.

Having on the 8th instant, in compliance with a resolution of the House of Representatives in its terms more comprehensive than that of the Senate, communicated these and all other papers appertaining to the same subject, with a message to that House, this communication is made to the Senate in "open" and not in "executive" session.

JAMES K. POLK.

WASHINGTON, February 9, 1849.

communicate to that Body certain documents relative to the ratification by the Mexican Government of the Treaty of Guadalupe Hidalgo as amended by the Senate, has the honor to lay before the President the papers mentioned in the subjoined list, which embrace all in this Department called for by the Resolution.

Respectfully submitted,

JAMES BUCHANAN.

DEPARTMENT OF STATE, WASHINGTON, 9th February, 1849.

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## TO MR. CRAMPTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 9th Feby., 1849.

JOHN F. CRAMPTON, ESQRE.,
&c., &c., &c.

SIR:

Your note of the 17th ultimo, together with the accompanying memorandum on the existing navigation laws of Great Britain, was, immediately after its receipt, referred to the Treasury Department; and I have now the honor to enclose to you a copy of the report of the Secretary of the Treasury, dated on the 31st ultimo, in relation to the subject.

You state that you have been "directed to ascertain, at the earliest possible period, whether the United States will be prepared to accept advances made on the part of Great Britain for placing the ships of the two countries on a footing of equality, with the single reservation of the coasting trade; or whether the United States Government would prefer to preserve any particular privileges or exemptions to their national vessels, on the understanding that they may thereby render it impossible for this country to concede to United States shipping the whole of the advantages which will, under the contemplated measure, [the bill to modify the British navigation laws,] attach to the shipping of such States as may place British and national vessels upon a footing of more perfect equality."

The most satisfactory answer which I can give to these inquiries is contained in the first section of the act of Congress, approved on the 24th May, 1828, entitled "An Act in addition

[1] MSS. Department of State, Notes to Great Britain, VII. 194.

to an Act entitled 'An Act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes." The following is a copy of this section:

"[Sect. 1.] *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, upon satisfactory evidence being given to the President of the United States, by the Government of any foreign nation, that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country, the President is hereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost, within the United States, are, and shall be, suspended and discontinued, so far as respects the vessels of the said foreign nation, and the produce, manufactures, or merchandise imported into the United States in the same, from the said foreign nation, or from any other foreign country; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer."

You will thus perceive that the Congress of the United States, more than twenty years ago, by this act, offered to open their ports to the vessels of all nations,—with their cargoes,—no matter to what country these cargoes might owe their origin, or from what foreign place they might be imported into our country, upon payment of the same duties "of tonnage or impost" with our own vessels; provided such nations should extend similar privileges in their ports to the vessels belonging to citizens of the United States, and their cargoes. Great Britain may, therefore, at any moment, by complying with the fair and equitable conditions required by this act, place her vessels and their cargoes, both in our direct and indirect foreign trade, upon the same footing with vessels of the United States. The coasting trade is of course reserved.

Indeed, the liberal principles of reciprocity in commerce and navigation sanctioned by this act had been practically adopted previous to its passage, in treaties which had been concluded by

the United States with Denmark, Sweden, the Hanseatic Republics, and Prussia, and have since been carried into effect in treaties concluded with Austria, Russia, and other Powers; all of which are still in force. Besides, proclamations have, also, been issued at several periods, conferring the benefits which the act proposes on different foreign nations who had furnished "the satisfactory evidence" required by its provisions.

The United States, therefore, so far from having waited "to accept advances made on the part of Great Britain for placing the ships of the two countries on a footing of equality, with the single reservation of the coasting trade," had themselves, more than twenty years ago, by an act of Congress, made advances for this very purpose to Great Britain and all other nations. I might add, that the President, in accordance with the spirit of this act, has already made a specific proposal to Great Britain, by a note from Mr. Bancroft, our Minister at London, to Lord Palmerston, dated 3d November, 1847, to conclude a treaty providing "that British ships may trade from any port in the world to any port in the United States, and be received, protected, and, in respect to charges and duties, treated like American ships; if, reciprocally, American ships may, in like manner, trade from any port of the world to any port under the dominion of Her Britannic Majesty." Of course, this proposal was not intended to embrace the coasting trade of either country.

Yours very respectfully,

JAMES BUCHANAN.

## TO MR. HYATT.[1]

(No. 5.) DEPARTMENT OF STATE,
WASHINGTON, 9th February, 1849.

THOMAS H. HYATT, ESQRE.,
United States Consul, Tangier.

SIR:—

I wrote to you on the 5th December last, and I have now the honor to acknowledge the receipt of your despatches Nos. 7, 8, and 9—the last on the 1st instant.

The depredations committed by the barbarians who dwell

[1] MSS. Department of State, Instructions, Barbary Powers, XIV. 87.

on the Reef Coast of Morocco—of which the details conveyed in your No. 7 show you to be fully aware—will demand of you unceasing vigilance; and it is highly probable, from what you state, that the English Government may find itself constrained to repress and punish the cruelties recently practised upon some of their subjects on that Coast.

Your predecessor, Mr. Carr, was early informed that the United States would hold the Emperor responsible for every wrong of this character to the persons or property of their citizens, inflicted or tolerated within his dominions, in violation of the established laws of civilized nations. In consequence of suggestions on the part of your predecessor, that piracies had probably been perpetrated on American vessels, both on the Atlantic and Mediterranean Coasts of Morocco, inquiries were instituted, and one of our vessels of war even visited the port of Wednoon; but no facts were elicited to confirm the suspicion. The result, indeed, strengthened me in the opinion which I had previously formed, that no outrages had really occurred. If such had been the case, we should almost certainly have learned at least that American vessels on that Coast had been missing; a fact which was never asserted to our knowledge. Mr. Carr, notwithstanding, believed, and continues to believe, that the rumors in question were not without foundation.

You will, on the receipt of this despatch, lose no time in investigating the subject fully, in order to ascertain the truth of the statements or rumors in question. If there shall appear to you, upon inquiry, to be any good grounds for believing that mischief has been done or is menaced by these pirates, you are at once to communicate with the Commander of our Mediterranean Squadron, and acquaint him with any facts or suspicions within your knowledge, which may require prompt interposition on his part.

You will as early as possible report to this Department on the subject; and, if necessary, suitable instructions will be transmitted to you. This Government will not patiently suffer the Corsairs of Barbary to make the entrance of the Mediterranean a place of danger or even of apprehension to civilized commerce.

I have directed an extract to be made, and published in the "Union," of that portion of your No. 8 which announces a reduction of export duties on several staples of Morocco.

It is necessary to remind you that, by instruction, your salary was made to commence on the 1st April, 1848; and that

you are, therefore, without any warrant in assuming another date.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## FROM MR. DE LA ROSA.[1]

[Translation.]

MEXICAN LEGATION,

WASHINGTON, February 10, 1849.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the republic of Mexico, has the honor to address the honorable Secretary of State of the United States in order to make known to him that the Mexican government, being anxiously interested in preserving and drawing more closely together the relations of peace and friendship which happily subsist between the two republics, cannot but see with surprise and with pain the questions which have been raised within a few days in the very bosom of Congress respecting the character and validity of the Protocol of the conferences which were held, previous to the ratification and exchange of the treaty of peace at Queretaro on the 26th of May of the last year, between the Minister of Foreign Relations of Mexico and the Commissioners Plenipotentiary of the United States.

The undersigned believes that if, unfortunately, these questions should not be brought to a prompt and happy termination, they would, in the end, place in jeopardy the amity and good understanding which, for the benefit of humanity and civilization, and to the advantage of both nations, actually subsist between Mexico and the United States, how great soever might be the efforts which the governments of the two nations might make to avoid a fatal disagreement between themselves.

The government of the undersigned might be, to a certain extent, reassured, on seeing in the message of his Excellency the President, addressed to the House of Representatives, that the government of the United States gives to certain articles of the treaty of Guadalupe the same sense and the same understanding which should be given to them agreeably to the explanations assigned in the Protocol above mentioned. But as there may be, at the same time, in that message, certain passages from which it may be inferred that no value is attributed to the Protocol in question, the undersigned believes that these expressions will exceedingly alarm his government, and may possibly occasion a serious and dangerous agitation among the Mexican people.

In order to avert this evil and its consequences, the undersigned anxiously desires to be enabled to assure his government, in a manner firm, clear, and positive, that the government of the United States will never give to the articles and modifications of the treaty, to which the Protocol relates, any other sense or other interpretation than that resulting from the explanations

[1] S. Ex. Doc. 1, 31 Cong. 1 Sess. 60.

of the said articles and modifications which were given by the plenipotentiaries of the United States on signing the Protocol in question at Queretaro.

If the undersigned should receive from the honorable Secretary of State a clear and categorical answer, by which he would be enabled to give to his government the assurance mentioned in the preceding paragraph, the question of the Protocol will have no serious consequences, nor will it in the least degree endanger the peace and the amicable relations which the treaty of Guadalupe re-established between Mexico and the United States.

As the newspapers of the United States may speedily reach Mexico, and there occasion a most fatal alarm, the undersigned hopes that the Secretary of State will afford him the pleasure of receiving as promptly as possible an answer, which he may despatch to his government.

The undersigned embraces this occasion to repeat to the honorable Secretary of State the assurance of his most distinguished consideration.

LUIS DE LA ROSA.

HON. JAMES BUCHANAN,
Secretary of State of the United States.

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## TO MR. BANCROFT.[1]

(No. 47.) DEPARTMENT OF STATE,
WASHINGTON, 12th Feby., 1849.

GEORGE BANCROFT, ESQRE.,
&c., &c., &c.

SIR:

Your despatch No. 112, of the 12th January, was received at the Department on the 1st instant.

You seem to doubt the propriety of presenting to the British Government a protest, according to my instructions of the 18th December last, against the orders of the Irish Government issued on the 2d and 18th of the previous August. Your suggestions on this subject have been submitted to the President; and after a careful reëxamination of the documents, he still believes you ought to prepare and present the protest.

In reiterating this instruction, it is not intended to convey the slightest intimation that you have not done your whole duty in the case of Messrs. Bergen and Ryan. "The full significance" of your very able despatch to Lord Palmerston, of the 10th November, was properly appreciated by the President, and received his cordial approval. This appears from the general phraseology of my despatch to you of the 18th December, in

[1] MSS. Department of State, Instructions, Great Britain, XV. 379.

which I state that "the President has directed me to express to you his approbation of your able, persevering, and successful efforts to obtain the release of Mr. James Bergen and Mr. Richard F. Ryan, the two American citizens imprisoned in Newgate, Dublin, under the Act of the British Parliament of 25th July last, (11th and 12th Victoria, Cap. 35) upon suspicion of treasonable practices against the British Government." The protest which you have been instructed to make, far from detracting from the President's previous approbation of your conduct in regard to these offensive orders, is setting his seal to all you have already done in this particular, and confirming it in the strongest manner.

You express the opinion that it would be somewhat late to protest now; because "the orders have long since been inoperative, and the laws under which they were issued are already a dead letter, and will expire in a few weeks." But these facts neither cancel nor change the character of the offensive orders. Besides, the instruction was sent to you as soon as possible after I had received the necessary information on which to found it.

You doubt whether the letter of your Irish correspondent is a sufficient authority "on which to ground a protest;" and any protest which you could have made before the receipt of that instruction would necessarily have been without the express authority of your Government. He, as we both know, is a highly respectable individual; and you have strong evidence to corroborate his statement.

There is your note to Lord Palmerston of the 12th September, 1848, asking for copies of these orders, with which you ought to have been furnished without hesitation, because they related exclusively to "all persons coming from America" and arriving in Ireland, and we had therefore a right to know the penalties denounced against them in advance: and then we have Lord Palmerston's refusal, in his note to you of the 30th September, to grant your request, without even intimating that such orders had not been issued. On the contrary, he admits their existence by the strongest implication: and concludes his note with an expression not very unlike a defiance. "But," says his Lordship, "Her Majesty's Government are responsible for all acts which may be done *in consequence of such instructions;* and from their responsibility, in this respect, they have no wish or intention to shrink." There is also your own letter to Lord Palmerston, of the 10th November, 1848, in which you state

specifically the existence and substance of the order of the 2d August, 1848; and this statement has never been denied. Indeed, if I correctly understand the lettter of Sir William Somerville to Mr. G. Cornewall Lewis, of the 28th November, 1848, communicated with your No. 105, this is expressly admitted, accompanied by a labored attempt to justify the order.

You will remark that your instruction does not require that you should renew the discussion of the case of Messrs. Bergen and Ryan. It is confined specifically to the character of these very offensive orders.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. HAMILTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, Feb: 13th, 1849.

ROBERT M. HAMILTON ESQRE.
U. S. Consul, Montevideo.

SIR,

Your despatches Nos. 153, 154, 155, & 156, the latter covering a duplicate of No. 152, have been received.

A copy of your No. 154 respecting the Brig "Carolina," E. M. Jefferson, Master, has been sent to the Agent of the Protection Insurance Company of Hartford, residing at New York.

The Department is gratified to see that no efforts are spared on your part to protect the Commercial interests of our Country in Montevideo, and the remonstrances addressed by you to the Minister of Foreign Affairs against the onerous Impost levied by a Decree of that Government, on the 4th of May last, of $15 per Barrel on Flour, to take effect from that date, without anterior notice, are fully approved.

Enclosed is a duplicate of my letter of the 25th September last, in reply to your No. 151, upon the subject of the proposition made by the Montevidean Government for the payment of the Claim of Messrs. Musser & Co.

I am, Sir, &c.

JAMES BUCHANAN.

[1] MSS. Department of State, Despatches to Consuls, XIII. 148.

## TO MR. WELLER.[1]

DEPARTMENT OF STATE,
WASHINGTON, 13th February, 1849.

SIR: In my instructions to you of the 24th Ultimo, I promised to send you further instructions before your departure from the United States. I now proceed to perform this duty.

The fifth article of our Treaty with Mexico, of the 2d February, 1848, as amended by the Senate, (two copies of which are herewith transmitted) clearly prescribes your duties. This article places you in a highly responsible position; because it declares that the Boundary line between the two Republics, which shall be run and marked by the joint commission, shall be deemed a part of the Treaty, "and shall have the same force as if it were inserted therein." The action of the Commission, therefore, will be final and conclusive; and the President has full confidence that in the discharge of your important duties your conduct will be characterized by prudence, firmness, and a conciliatory spirit. Whilst he desires no advantage over the Mexican Government, you will take care, in running the boundary, that all our just rights, under the Treaty, shall be maintained.

Your first duty will be to run and mark that part of the Boundary, consisting of a straight line, from a "point on the Coast of the Pacific Ocean, distant one marine league due South of the Southernmost point of the port of San Diego" to "the middle of the Rio Gila, where it unites with the Colorado."

It is not apprehended that you will encounter much difficulty in determining either of these points. This Southernmost point of the Port of San Diego is to be ascertained by the Treaty, "according to the plan of said port made in the year 1782 by Don Juan Pantoja, second Sailing Master of the Spanish fleet, and published at Madrid, in the year 1802, in the atlas to the voyage of the Schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective Plenipotentiaries." You are furnished with a certified copy of this plan, which appears to fix precisely what is the Southern limit of the port of San Diego, and a point on the Pacific "one marine league due South" of this is the place of beginning. The middle of the Rio Gila, where it unites with the Colorado,

[1] MSS. Department of State, 37 Domestic Letters, 165; S. Ex. Doc. 18, 31 Cong. 1 Sess. 87; S. Ex. Doc. 34, 31 Cong. 1 Sess. 3; H. Ex. Doc. 17, 31 Cong. 1 Sess. 63.

being a natural object, there can be but little difficulty in ascertaining this point.

The duties of the Surveyor are sufficiently indicated by the Treaty itself; those of Major William H. Emory, the Chief Astronomer, will be to determine all astronomical points, and to direct the mode of running all astronomical lines on the boundary. Lieutenant J. W. Whipple and Brevet Captain E. L. F. Hardcastle of the Corps of Topographical Engineers have been designated, under the authority of the President, to accompany Major Emory as his assistants.

The remainder of the Boundary runs along the middle of the Rio Gila and the Rio Grande, with the exception of that portion of it between "the point where the Rio Grande strikes the Southern Boundary of New Mexico; thence Westwardly, along the whole Southern Boundary of New Mexico (which runs north of the Town called Paso) to its western termination; thence Northward, along the Western line of New Mexico until it intersects the first branch of the Rio Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same)."

In regard to this latter position of the line it is impossible to give you specific instructions, for the want of accurate Geographical information. It can only be ascertained by examinations and surveys upon the ground. Besides, the Treaty itself declares that "the Southern and Western limits of New Mexico, mentioned in this article, are those laid down on the Map" of the United Mexican States, published at New York, in 1847, by J. Disturnell, of which a copy was added to the Treaty, bearing the signature and seals of the Plenipotentiaries. You are now furnished with a certified copy of this Map.

You are, also, furnished, as bearing upon this subject, with the copy of a Map of New Mexico which was attached to the atlas to Thompson's edition of the Geographical and Historical Dictionary of America and the West Indies, by Col. Don Antonio de Alcedo, published at London in 1812,—a work of the highest authority.

My successor in office will most probably obtain further information in regard to this portion of the line; and as the work progresses will doubtless deem it proper to give you further instructions. I deem it unnecessary, therefore, to say more at present upon the subject.

I need scarcely add, that the President expects you will perform your duties under the Treaty with as little delay as practicable consistently with accuracy.

As it is indispensable that each Government should be furnished with a full and circumstantial record of the proceedings of the Commissioners, they will doubtless order such record to be kept in duplicate. This duty will naturally devolve upon the Clerks appointed on both sides, under the supervision of the respective Commissioners, who will be responsible for the accuracy of such records and for their safe delivery, properly certified, to the respective Governments, at the expiration of the Commission. You will, with that view, provide the Clerk appointed on the part of the United States with suitable instructions respecting this and any other duty which it shall be deemed proper to assign to him.

As soon as the boundary shall have been ascertained and marked, you will cause a true and accurate map to be made of the country through which it passes, in its entire extent. A duplicate copy of said Map certified by the Commissioners and Surveyors, on both sides, will accompany the records of the proceedings of the Commission. The joint report or declaration by the Commissioners of "the final result agreed upon by them" under the fifth article of the Treaty will also be transmitted to the Department, to be filed with the journal or record of their proceedings and the Map.

As soon as the Commission shall be organized, you will transmit to this Department a list containing the names of the several persons composing it, the nature of the duties assigned to each individual, and the compensation allowed to them respectively; and will, also, from time to time inform the Secretary of State of any change which you may, by circumstances, be induced to make in its organization.

The sixth article of the Treaty provides that "If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one Marine league from either margin of the river, the Governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both Countries."

Although you are not required to make the examinations

referred to in this article under the appropriation made by Congress on the 12th of August last, which is limited to "the expenses of running and marking the boundary line," yet the President would be gratified if you could cause these examinations to be made, incidentally, without seriously interfering with your appropriate duties. The enquiry is one of great importance to the country; and any information which you can communicate to the Department on the subject will be highly appreciated by our fellow citizens.

Major Emory has received from Major Graham under my instructions all the instruments belonging to the Department which he believed to be suitable for running the Boundary line between the two Republics. In a report which he made to the Department, dated at New York on the 4th Instant, he states that these are not sufficient, and furnished a list of those which will be required. Several of the latter he deems indispensable that he should carry with him: to wit,

| | |
|---|---|
| 1 Box chronometer | $285 |
| 1 Heliotrope | 100 |
| 1 Reconnoitring glass | 50 |
| 1 Portable astronomical telescope | 190 |
| 4 Nautical almanacs 1849 | 10 |
| 1 Copy catalogue stars B. Assoc. | 20 |
| 1 Set of charts coast of California | 2 |
| 1 Daniels's hygrometer | 15 |
| 4 Hassler's logarithms at $1 | 4 |
| 6 Thermometers at $4 | 24 |
| 6 Observing lamps | 15 |
| 4 Cases drawing instruments at $10 | 40 |
| 4 Bottles ether (sulphuric) | |
| ½ Bushel plaster of Paris | |
| 2 Observing tents at $40 | 80 |
| 1 Equatorial stand, price estimated at | 100 |

In your absence, the President has not hesitated to advise him to purchase these instruments, not doubting that you would promptly pay for them out of the appropriation. As it will be impossible for him to reach New Orleans before the 28th Instant: you will not take your departure thence until after his arrival.

The President has determined that your salary shall be at the rate of $—— per annum and that of the Surveyor at the

rate of $—— per annum; but should Congress before its adjournment fix your salaries at different rates, this will be the guide in settling your accounts from the beginning.

The military escort on the part of the United States, to accompany the Commission, has been placed by the President under the direction of the Secretary of War.

I am, Sir, &c.

JAMES BUCHANAN.

To J. B. WELLER, Esq., Commissioner &c.

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## FROM MR. DE LA ROSA.[1]

MEXICAN LEGATION,
WASHINGTON, February 14, 1849.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of Mexico, has the honor to address Mr. James Buchanan, Secretary of State of the United States, in order to remind him of the answer to his note of the 10th of the present month.

It is so urgent upon the undersigned to tranquillize his government in some degree, by communicating to it the result of the note above mentioned, that he cannot do less than entreat the Secretary of State to consider that the question which has been raised as to the character and validity of the Protocol may seriously jeopard the amity and good understanding which happily exist between Mexico and the United States; and that upon this consideration he will be pleased to give to this affair some preference over the others which occupy his attention.

If the Secretary of State should think proper to delay his communication much longer, the undersigned, without incurring censure for precipitation and thoughtlessness, would find himself under the necessity of adopting some measure which may place the rights of Mexico in security on this question.

The undersigned avails himself of this occasion to repeat to the Secretary of State of the United States the assurances of his distinguished consideration.

LUIS DE LA ROSA.

HON. JAMES BUCHANAN,
Secretary of State of the United States.

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[1] S. Ex. Doc. 1, 31 Cong. 1 Sess. 70.

## TO M. POUSSIN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 15th Feby., 1849.

MR. WILLIAM TELL POUSSIN,
&c., &c., &c.

SIR:

I have the honor to acknowledge the receipt of your note of yesterday, referring to your previous letter, dated the 8th instant, in which you complain of an act of violence committed by an innkeeper of this city, in regard to Mr. Marie, an attaché of your Legation, and claim that the necessary measures may be taken to assure to that gentleman the protection to which his position entitles him, and, in the absence of a reply to that application, renewing and insisting on your claim for the intervention of this Government in obtaining prompt reparation of the alleged insult offered to one of the members of the Legation of France.

You had expected, you state, that, under the peculiar circumstances of the case, the matter would have received immediate attention. You were right in that expectation, so far as it regards this Department, since your letter, on the very day of its receipt, was promptly referred to the Attorney General of the United States for his opinion on certain legal points which your complaint involved, and on which it was necessary to have his advice before I could address you a definitive reply. The opinion of Mr. Toucey in relation to the case reached me last evening, and I hasten at the earliest moment to communicate to you a copy of it, in answer to your application. Trusting that its contents will prove entirely satisfactory to you, and sincerely regretting that any difficulty of the kind referred to should have arisen, I have the honor to be, with high consideration, Sir, your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to French Legation, VI. 126.

## TO MR. DE LA ROSA.[1]

DEPARTMENT OF STATE.
WASHINGTON, 15th February, 1849.

SIR: I have had the honor to receive the note of Your Excellency of the 10th instant.

This note expresses the surprise and pain which Your Excellency experiences on account of "the questions which have been raised, within a few days, in the very bosom of Congress, respecting the character and validity of the Protocol of the conferences" at Queretaro, to which you refer, between the Mexican Minister of Foreign Relations and the Commissioners of the United States. Your Excellency believes "that if, unfortunately, these questions [in Congress] should not be brought to a prompt and happy termination, they would in the end place in jeopardy the amity and good understanding" now so happily subsisting between the two Republics. You state that the Mexican Government "might be to a certain extent reassured, on seeing in the Message of His Excellency the President, addressed to the House of Representatives, that the Government of the United States gives to certain articles of the Treaty of Guadalupe the same sense and the same understanding which should be given to them, agreeably to the explanations assigned in the Protocol above mentioned;" but you then proceed to observe that there are other passages of the Message, without specifying what these are, "from which it may be inferred that no value is attributed to the Protocol in question," and you believe "that these expressions will exceedingly alarm your Government," and "may probably occasion a serious and dangerous agitation among the Mexican people."

"In order to avert this evil," arising from "the questions which have been raised" in Congress and "in certain passages" in the Message of the President, you express the anxious desire that the Government of the United States would enable you to assure your Government, "in a manner firm, clear, and positive, that the Government of the United States will never give to the articles and modifications of the Treaty to which the Protocol relates," any other interpretation than that contained in the Protocol itself.

I have been thus minute in detailing the substance of your

[1] MSS. Department of State, Notes to Mexican Legation, VI. 107; S. Ex. Doc. 1, 31 Cong. 1 Sess. 71.

note, for the purpose of showing that it clearly raises the question, whether a foreign Minister accredited to the United States has the right to ask explanations from the President concerning the debates and proceedings of Congress, or any Message which he may transmit to either House in the exercise of his constitutional power and duty.

Under the constitution of the United States, Congress is a distinct, independent, and coördinate branch of the Federal Government. Their legislative powers and duties are of the most important and responsible character. The President himself possesses no power whatever to question or to control their proceedings, except in the single case of the qualified veto conferred upon him by the Constitution. To secure their absolute freedom of discussion, a vital principle in every popular Government, the Constitution itself declares, in regard to Senators and Representatives, that "for any speech or debate in either House, they shall not be questioned in any other place." The President would violate the most sacred rights of the legislative branch of the Government, if he were to criticise or condemn any portion of their proceedings, even to his own countrymen; much less, therefore, can he be called upon by the Representative of a foreign government for any explanation, condemnation, defence, or approval of these proceedings. For them Congress is responsible to their own constituents and their country, and to no other human power. This inviolability is essential to the permanence of our free institutions.

It is believed that so far as regards the debates or proceedings of Congress, this is the first occasion in our history on which it has become necessary to address the Representative of any foreign Government. Not so in relation to the Messages of the President to Congress. There is at least one case of a similar character which you may find in the archives of your own Legation. Mr. Castillo, one of your predecessors, in a note of the 11th December, 1835, addressed to Mr. Forsyth, then Secretary of State, called upon him for an explanation of the meaning of a paragraph relating to Mexico contained in President Jackson's annual message to Congress of December, 1835. The answer of Mr. Forsyth was prompt and decided. In a note dated on the 16th December, 1835, he informed Mr. Castillo, "that remarks made by the President in a Message to Congress are not deemed a proper subject upon which to enter into explanation with the Representative of a foreign Government." On a somewhat simi-

lar occasion, Mr. Livingston, then our Minister to France, on the 13th January, 1835, informed the French Minister for Foreign Affairs that in the Message of President Jackson to Congress of the previous December, "there was nothing addressed to the French nation," and he likened it very properly "to a proceeding well known in the French law, a family council, in which the concerns and interests are discussed, but of which, in our case, the debates were necessarily public."

Under our Constitution, it is the duty of the President "from time to time to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall deem necessary and expedient." It is indispensable to the independent action of the Government that these communications between its coördinate branches should be free and unreserved. These are properly likened by Mr. Livingston to a family council. It is a domestic concern with which foreign nations have no right to interfere. If this were otherwise; if the Representative of a foreign Government could ask the President for explanations of such parts of his Messages to Congress or of their proceedings as might in the opinion of such Minister prove unsatisfactory to his Government at home, this would necessarily either impose a restraint on the freedom of action both of the President and Congress, or involve the Executive in endless and useless discussions with the other Powers of the world.

A case could not be imagined more proper than the present to illustrate how useless such discussions would generally prove. Congress have not adopted any resolution concerning the Protocol; and the only portion of the President's Message in which the interests of Mexico would seem to be involved has not proved unsatisfactory to Your Excellency; because you state that "it gives to certain articles of the Treaty of Guadalupe the same sense and the same understanding which should be given to them agreeably to the explanations assigned in the Protocol above mentioned." It is of other passages of the Message which you do not specify that you complain. Now how useless would it be, even if this were possible, for us to enter into a correspondence upon these other portions of the Message, discussing, as they do, the powers and duties of the President and Senate under the Federal Constitution in relation to the subject of Treaties. These passages may be right or they may be wrong; and yet Mexico has no practical interest in the question.

The President will be ever ready, in the kindest spirit, to

attend to all representations of the Mexican Government communicated in a form which does not interfere with his own rights or those of Congress. It is to vindicate a great principle which he deems essential to the free and harmonious working of our institutions, that he has resolved upon the answer which I communicate to you upon the present occasion. His desire to cultivate the most amicable relations with Mexico has been evinced by his whole course of conduct ever since the termination of the late war. There is no wish nearer his heart than that Mexico may be a great and prosperous Republic bound to the United States in bonds of the most intimate and equal friendship. So far as depends upon himself, it has ever been his determination to execute every part of the late Treaty in the strictest good faith; and certainly no portion of it is less liable to cavil or doubt than the three points explained by our Commissioners in the Protocol. If in the process of time any case should arise, an event deemed highly improbable, which might cause the Mexican Government to suppose either that the perfect and absolute freedom of religion and security of property will not be guarantied to former Mexican citizens within the ceded territory; or that valid and legitimate grants of land made by the Mexican Government within this territory will not be acknowledged and enforced by our Judicial Tribunals; or that the United States will attempt to interfere with the right vested in that Government, in common with every other creditor, of transferring, to whomsoever they may please, the whole or any part of the debt of $12,000,000 referred to in the Treaty, all that will be necessary is to specify the points of supposed difficulty either through their Minister in this country or through our Minister in Mexico, and these will be promptly and I have no doubt satisfactorily answered.

I had written thus far when your note of yesterday was received at the Department. Not deeming it proper to give it any other answer than merely to acknowledge its receipt, I forbear from making such comments upon its last paragraph as this would seem to deserve.

I avail myself of this occasion to offer to your Excellency renewed assurances of my very distinguished consideration.

JAMES BUCHANAN.

TO SENOR DON LUIS DE LA ROSA, &c. &c. &c.[1]

[1] This correspondence was continued by Mr. de la Rosa and Mr. Buchanan's successor, John M. Clayton. See S. Ex. Doc. 1, 31 Cong. 1 Sess. 73–89.

## TO MR. CASS.[1]

(No. 2.) DEPARTMENT OF STATE,
WASHINGTON, 16th February, 1849.

LEWIS CASS, JUNR., ESQRE.,
&c., &c., &c.

SIR:

I communicate, herewith, a Letter of Credence addressed to the Minister of Foreign Affairs of the Papal States, and an office copy of the same.

From the political condition of the Papal States, at the present time, it is not deemed proper that you should deliver this letter either to the Minister of Foreign Affairs of Pius IX. or of the existing Government at Rome, without further instructions. The Pope, by our last advices, still remains at Gaeta, within the territories of the King of Naples; and it is only as a temporal Prince, exercising actual authority within his own Dominions, that the Government of the United States can have any relations with His Holiness. This you have already learned from my instructions to Mr. Martin, your lamented predecessor, dated on the 5th April, 1848.

In regard to the present Government at Rome:—although it has been the constant policy and practice of this Government to recognise existing Governments, without inquiring into their legitimacy, yet with this exception, that they shall have first afforded evidence of their will and their power to maintain their independence, this cannot yet be asserted in regard to the existing Government at Rome. Its recent origin and the almost insuperable difficulties by which it is surrounded, render it extremely doubtful whether it will be able to maintain itself. Indeed, I consider the speedy restoration of the Pope highly probable, if not absolutely certain.

Under these circumstances, you are instructed to withhold the Letter of Credence which you bear with you, until you shall have received specific directions from this Department, designating the Minister of Foreign Affairs to whom it shall be delivered. These will be given to you as soon as the Department shall have obtained the information necessary to decide the question.

The President considers it expedient, however, that you

[1] MSS. Department of State, Instructions, Papal States, I. 11.

should proceed immediately to Rome. The present disturbed condition of the Papal States, and of Italy generally, renders it important that the Department should obtain, as speedily as possible, all the information which you can procure in regard to their actual political condition and future prospects. This you will not fail to communicate by every opportunity.

I would, also, refer you to the concluding paragraph, but one, of my instructions to Mr. Martin; and you will consider this as specially addressed to yourself. All the information thereby sought, you will procure and communicate as soon as possible.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. EAMES.[1]

(No. 1.) DEPARTMENT OF STATE,
WASHINGTON, 16th February, 1849.

TO CHARLES EAMES, ESQUIRE,
&c. &c. &c.

SIR:

The opportunity which has been afforded you to peruse the instructions to your predecessors and their communications to this Department has made you acquainted with the history and present state of our diplomatic relations with the Hawaiian Government. Neither Mr. Brown nor Mr. Ten Eyck has been able to succeed in negotiating a treaty with that government under their instructions. This is a principal object of your mission, and all the instructions addressed to either of them upon this subject you will consider applicable to yourself.

You are authorized, as your predecessors were, to conclude a Treaty with the Hawaiian Government similar in all respects to their Treaties with Great Britain and France. But surely that Government would prefer to conclude a Treaty of commerce and navigation with the United States similar to our Treaties with other civilized and independent Nations, and this the President would prefer.

[1] MSS. Department of State, Instructions, Hawaii, II. 14. Mr. Eames was commissioned as commissioner to Hawaii, Jan. 12, 1849. He met Mr. Judd, the Hawaiian plenipotentiary, in San Francisco, and there concluded a treaty with him. He resigned Oct. 22, 1849.

The commercial treaties between the United States and foreign powers are based upon principles recognized by the laws of the United States which have from time to time been enacted for the purpose of regulating our foreign trade. The only two enactments upon this subject now in force are contained in the 4th Section of the Act of Congress approved the 7th January, 1824, entitled an "Act concerning discriminating duties of tonnage and impost," Davis' edition Laws U. S. vol. 7, p. 208, Little and Brown's edition, vol. 4, p. 2, and the first section of the Act approved 24th May, 1828, entitled "An Act in addition to an Act entitled 'An act concerning discriminating duties of Tonnage and Impost,' and to equalize the duties on Prussian vessels and their cargoes," Davis' edition of the laws, vol. 8, p. 124, Little and Brown's, vol. 4, p. 308.

The effect of these enactments is to authorize the President to admit the vessels of foreign Countries into the United States upon the same terms with our own vessels, either when those vessels bring the productions of the Countries to which they belong or those of any other foreign country, provided similar privileges are extended to vessels of the United States. Consequently, the coasting trade is the only branch of our commerce in which foreigners cannot participate. The President is willing to conclude with the Hawaiian government a treaty of reciprocity. To entitle a Treaty to this appellation, however, it will be necessary to take the circumstances of the respective countries into consideration. To offer to admit the Hawaiian vessels into our ports upon the basis of the act of Congress of 1828 would obviously give those sailing or claiming to sail under that flag an undue advantage. The vast extent, the great and increasing population of the United States, with their various wants, would offer to Hawaiian vessels inducements for supplying them with the productions of other countries, either from Hawaiian ports or elsewhere, which the comparatively limited territory and sparse population of the Sandwich Islands could not in return offer to the vessels of the United States. This basis for a treaty would be the more objectionable if the Department is correctly informed that the right to use the Hawaiian flag is easily obtained by foreigners, and that many engaged in the navigation of the Islands are enterprising and not very scrupulous Europeans.

The President is consequently of opinion that a Treaty with the Sandwich Islands based upon the Act of Congress of 1824, above referred to, the principles of which were adopted in the

two first articles of our Convention with Great Britain of 1815, would be the most equitable and expedient. As those parts of the Treaty which do not relate to trade are comparatively unimportant, you can introduce any other articles of our recent Treaties which you may deem necessary. It would be advisable, however, to make the Treaty for a term of years, say eight, to end at a year's notice by either party after that time.

In the 8th volume of the Statutes at large you will find a collection of all our Treaties with Foreign nations up to the date of that publication. Several of these Treaties are of Direct reciprocity, such as you are authorized to conclude with the Hawaiian Government. The last of the kind concluded by the United States was with the Two Sicilies, with a copy of which, dated on the 1st December, 1845, you are furnished. You may adopt this as your general model. The sixth article of it provides for the succession to personal property only. This ought, also, to be extended to real estate: because many American citizens hold lands in the Islands. If this cannot be accomplished in its full extent, then you might agree to the 7th article of our Treaty with Hanover of the 20th May, 1840, substituting this for the 6th article of the Treaty with Naples.

Should the Hawaiian Government decline to conclude a general Treaty of direct reciprocity with the United States, and object to the conclusion of a Treaty similar to those with Great Britain and France on account of objections to the third and sixth articles of these Treaties, you can answer that whilst the United States are unwilling to be placed in a worse condition than the most favored nation, yet they will agree to any reasonable modification of these articles which may be made in the existing Treaties with these Powers. Indeed, should this become necessary, you might propose to insert the following article or something like it in the Treaty.

Article 9. Should the Hawaiian Government and the Governments of Great Britain and France, abolish, change, or modify the third and sixth articles of their existing Treaties, the corresponding third and sixth articles of the present Treaty shall no longer remain in force, provided the United States shall continue in all respects to be placed on the footing of the most favored nation.

This would obviate every objection, and still place us in as favorable a position as any other nation; and it cannot be denied that these articles are open to serious objections.

The Hawaiian authorities have uniformly professed a

friendly disposition towards the United States. It must be acknowledged that this profession is vouched for by too many obvious motives of sympathy and interest to allow its sincerity to be disbelieved. Still under all the circumstances we shall have a right to consider and shall in fact consider the issue of your negotiation for a treaty the test of the sincerity of the professions of that Government.

The great impulse which the intercourse between the Islands and our territory on the Pacific has recently received, and the probability that this intercourse will augment in a rapid ratio, makes it important that the commercial relations between the two countries should be regulated by a treaty. This is important, not to the United States alone. Without a treaty, the productions of the Islands introduced into the United States in Hawaiian vessels would, according to the 11th section of the tariff act of 1842, be chargeable with an addition of ten per cent. to the respective rates of duty imposed on the articles of merchandize of which the cargo may consist, by the Tariff act of 1846. The exaction of this duty would, it is believed, seriously and injuriously affect the trade between the United States and the Islands in Hawaiian vessels, and even if that government should countervail it, by the adoption of any regulation which would discourage United States vessels from engaging in the same trade, the restriction would probably so increase the freight on Hawaiian sugar and other productions which now find a nearer and ready market in California and Oregon, as to give a preference to similar articles from the Mexican or Peruvian coast. As the encouragement of the cultivation of sugar is understood to be a favorite object of Hawaiian policy, the willingness of that government to avoid a result apparently so well calculated to thwart it cannot be doubted.

You are aware how greatly the Sandwich Islanders are indebted to the Christian missionaries resident among them for their progress in civilization. The zealous and disinterested labors of those missionaries have probably resulted in causing their advice and opinions upon other subjects than those relating to their calling to be respectfully listened to, and to be perhaps decisive with the Hawaiian people and government.

You will consequently by all honorable means cultivate the most friendly relations with the missionaries.

I am, Sir, very respectfully,

Your obedient servant

JAMES BUCHANAN.

## TO MR. BANCROFT.[1]

(No. 48.) DEPARTMENT OF STATE,
WASHINGTON, 17th Feby., 1849.

GEORGE BANCROFT, ESQRE.,
&c., &c., &c.

SIR:

In my despatch to you of the 12th instant, I did not refer to the construction which you allege the Fifth Auditor has placed upon my circular of the 25th July, 1845, in regard to the disbursement of the contingent fund of our Legations abroad; because illness then prevented him from attending his office. I have since called upon him for the purpose of directing an immediate settlement of your accounts; when I was informed that they had been all settled up till the 30th September last, and that the whole difference between you and himself amounted to $19.76. I then requested him to cause an abstract of the items constituting this difference to be furnished to me, which I shall examine without delay.

Whilst this circular itself had become indispensably necessary, I should certainly except from its operation "printed books and maps," purchased by Ministers abroad, having a direct bearing upon questions pending between this Government and that to which they are accredited, or such as they may require for the purpose of executing the instructions of this Department.

Since my conversation with Mr. Pleasonton, your quarterly account, ending on the 31st December, has been received. I shall see that it is speedily settled; and whatever items in it or your former accounts can be allowed under the exception which I have stated, shall be passed to your credit.

Your despatch No. 114, of the 26th ultimo, was received on the 15th instant, and was immediately communicated to the President. In answer, he has instructed me to say, that he is highly gratified with the ability displayed by you in the discussion of the question of expatriation contained in your note to Lord Palmerston of that date; but he still entertains the opinion that you should protest specifically against the two orders of the 2d and 18th August last, issued under the authority of the Irish Government, in accordance with my despatch to you of the 12th instant, which was carefully prepared under his direction; and

[1] MSS. Department of State, Instructions, Great Britain, XV. 381.

this more especially because the first made an offensive and invidious distinction between "all persons coming from America," and those coming from any other foreign country; and the second because it made a distinction equally offensive and invidious between our naturalized and native citizens.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. CRAMPTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 17th Feby., 1849.

JOHN F. CRAMPTON, ESQRE.,
&c., &c., &c.

SIR:

I have the honor to acknowledge the receipt of your note of the 20th December last, with which you transmit a letter addressed to Her Majesty's Principal Secretary of State for Foreign Affairs by certain ship owners of Liverpool, who are engaged in the business of carrying passengers from that port to the United States, representing that notwithstanding the care taken by them to comply with the regulations in force in the United States as to the space to be allotted to each passenger, their ships are frequently seized and detained in the ports of this country for being overcrowded; and suggesting that the American Consuls in Great Britain should be authorized to issue certificates of measurement, or some official document of that description, which may enable the ship owners to be certain that they have properly complied with the regulations above referred to, and that their vessels will not be subject to seizure or detention on arriving in the United States.

In inviting the attention of the Department to this subject, you add that Her Majesty's Government hope that the United States Government may find it practicable to direct the adoption of some arrangement such as that suggested in the enclosed letter, in order that British ship owners may be enabled accurately to conform to the American laws relating to the proper accommodation of passengers.

I have the honor to state in reply, that the legislation now

[1] MSS. Department of State, Notes to Great Britain, VII. 197.

in force here respecting passenger vessels, so far as it relates to the immediate subject in question, is contained in the first section of an act of Congress of 22d February, 1847, and the 8th section of the act of the 17th of May, 1848. By the former, there is allowed for each passenger a space, unoccupied by stores or other goods, not being personal luggage, of fourteen clear superficial feet of deck, if such vessel is not to pass within the tropics during the voyage: and if passing within the tropics, twenty clear superficial feet of deck for each passenger; and on the orlop deck, (if any,) thirty clear superficial feet for each passenger. And by the latter, it is provided that when the height or distance between the decks of such vessels shall be less than six feet, and not less than five feet, there shall be allowed to each passenger sixteen clear superficial feet on the deck, instead of fourteen as prescribed in said first section of the law of February, 1847; and if the height or distance between the decks shall be less than five feet, there shall be allowed to each passenger twenty-two clear superficial feet on the deck.

Founded in motives of humanity, and principally designed to guard immigrants against the cupidity of masters, charterers, owners, and others engaged in this trade, who overcrowd their vessels to the great inconvenience, and not infrequently to the imminent peril of the health and even lives of the passengers, the expediency of these enactments is not controverted. The particular point to which the representations of the Liverpool merchants are addressed respects the practical application of these provisions in the admeasurement of the vessel's deck, and the adoption of some regulation by which the parties interested may be enabled accurately to conform to them. Unfortunately, however,—even if the laws in this respect are susceptible of improvement,—no authority is vested in either of the executive branches of this Government to meet the wishes of the memorialists in the way they suggest. This could only be effected by the Congress of the United States.

Under these circumstances, and trusting that a practical remedy may be attainable, the whole matter will be referred to the Secretary of the Treasury, who, if any thing can be done in our own ports, will doubtless take every step within his power to lessen or remove the difficulty complained of, and to render existing legal provisions relating to this subject of easy execution.

I avail myself of the opportunity to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

## TO MR. CLIFFORD.[1]

(No. 14.) DEPARTMENT OF STATE,
WASHINGTON, 17th February, 1849.

TO NATHAN CLIFFORD, ESQUIRE,
&c. &c. &c.

SIR:

I enclose you copies of two extraordinary notes addressed by Mr. de la Rosa to myself on the 12th and 14th instant, together with a copy of my answer to them dated on the 15th instant. These, together with a copy of the Union of the 9th instant containing the President's Message to the House of Representatives on the subject of the "Protocol," which is also enclosed, will enable you to make any explanations to the Mexican Government which may become necessary.

For a few days the most absurd and unfounded rumors were circulated in regard to this Protocol, and for a brief period made some impression on the public mind. This has, I think, been entirely removed by the publication of the President's Message and the documents which accompanied it. Still, it would seem that Mr. de la Rosa is highly excited on the subject, and may therefore make representations to his Government which it will be your duty to counteract. Your perfect familiarity with the whole subject renders it unnecessary for me to make any further observations respecting it.

I anticipate that Mr. de la Rosa will reply to my note of the 15th instant. If he should, I shall immediately transmit you a copy of his reply with that of my rejoinder, should one become necessary.

I hasten, in the midst of important and pressing avocations, to send you this despatch at so early a period as to ensure its transmission from New Orleans by the next British Steamer.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Mexico, XVI. 122.

## TO MR. DAVIS.[1]

No. 5. DEPARTMENT OF STATE,
WASHINGTON, 17th Feb., 1849.

JOHN W. DAVIS, ESQ.
&c. &c. &c.

SIR:

I have the honor to acknowledge the receipt of your despatches to No. 8, inclusive, with the accompanying copies of recent correspondence between yourself and the Imperial High Commissioner.

The exemplary punishment which, at the date of your last letter, seemed about to overtake the pirates engaged in the murder of the late Reverend Mr. Lowrie, will, it is hoped, when inflicted, strike terror into the hearts of a large class of Chinese subjects who can only be acted upon by the fear of punishment; and will have a widely beneficial effect in preventing a recurrence of similar outrages.

The course which you have pursued in regard to the case of the Reverend Mr. Roberts appears to have been proper; but as it would seem that the Chinese Government have finally refused to pay him any indemnity, the case has reached a point when it must be decided whether the claim shall be abandoned or enforced; and, if the latter, by what means. Under this new aspect of the affair, I do not deem it proper to commit the new administration, which will come into power in a little more than a fortnight, by any instructions of mine on the subject.

Your instruction to the Consul of the United States at Shanghai, respecting the hoisting of the American flag at his Consulate, is approved by the President. Mr. Griswold's right to do so appears to me to be incontestable, and it is not easily perceived how the exercise of it can injuriously affect British interests. Under the peculiar circumstances attending the admission of Mr. Wolcott into that part of the town set apart for the residence of the merchants of Great Britain,—a distinct community,—he was morally bound to observe the regulations made for the good order, security, and welfare of the whole society, where these were not in conflict with his duties as an American officer. If, therefore, the present Consul at Shanghai occupies the premises formerly in the possession of Mr. Wolcott, I cannot but hope

[1] MSS. Department of State, Instructions, China, I. 59.

that he will take pleasure in conforming to these regulations, so far as he can do so without injuring the interests of American citizens or compromitting the honor of his Government.

There is no authority in law warranting you to grant sea letters, or any documents of a like character, to foreign vessels purchased by Americans residing in China, designed to be used in the coasting trade of that country. You were, therefore, perfectly right in declining to entertain the application to this effect of John D. Sword & Co.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO MR. DONELSON.[1]

(No. 26.) DEPARTMENT OF STATE,
WASHINGTON, 17th February, 1849.

ANDREW J. DONELSON, ESQRE.,
&c., &c., &c.

SIR:

Your despatches Nos. 108, 109, 110, 111, 113, and 116 have been received.

Your Nos. 113 and 116, received on the 15th Instant, were submitted to the President in Cabinet Council to-day. After mature consideration, he did not deem it proper to depart from the ground occupied in my despatch to you, No. 22, of the 6th November last.

Baron Roenne was received and recognised by the President as Envoy Extraordinary and Minister Plenipotentiary of the German Empire alone, on the 26th ultimo. His appointment as Minister from Prussia must have been revoked. Baron Gerolt certainly left this country under the conviction that Baron Roenne had been appointed his successor. Indeed, he often stated this fact to me, positively, in conversation.

Considering that the present administration is within two weeks of its termination,—that the German Parliament have not yet adopted a Constitution,—and that the establishment of the German Empire is still, unfortunately, involved in doubt, the President does not yet deem it expedient to transmit you full

[1] MSS. Department of State, Instructions, Prussia, XIV. 146.

powers and instructions to conclude a Treaty of Commerce and Navigation with that Empire.

Ardently desiring that the period may speedily arrive when such a Treaty may be concluded,

I remain, yours, very respectfully,

JAMES BUCHANAN.

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## TO MR. JORDAN.[1]

WASHINGTON, 20th February, 1849.

DEAR SIR: I have received your favor of the 3rd Instant; and should the facts when they shall be ascertained raise the question of international law which you have now so clearly propounded, the arrest of Mr. McManus will then well deserve the serious attention of the Government.

I thank you for the copy of "the Nation" containing the trial of Mr. McManus, which I have perused with deep interest. This has been placed upon the files of the Department, with your letters.

Yours Very Respectfully,

JAMES BUCHANAN.

MATTHEW JORDAN, ESQUIRE.
Albany, New York.

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## TO MR. MURPHY.[2]

DEPARTMENT OF STATE,
WASHINGTON, Feb: 20th, 1849.

JOHN MURPHY ESQRE.
U. S. Consul, Cork.

SIR,

Referring to my Despatch to you of the 25th Ultimo, in addition to the enquiries which you were thereby instructed to make, I have now to request that you would ascertain and report to the Department whether the American Ship "N. D. Chase," with Mr. McManus on board, had proceeded beyond British jurisdiction, and from what port she had cleared and sailed; also

[1] MSS. Department of State, 37 Domestic Letters, 110.
[2] MSS. Department of State, Despatches to Consuls, XII. 420.

whether after this she had been compelled by stress of weather or any other cause to return within British Waters previous to the Arrest. You will be careful to ascertain the day on which Mr. McManus went on board, and the circumstances attending it; when the Vessel sailed, how far she had proceeded on her voyage, when and for what cause she returned, and the day when and the place where he was arrested. As this information may involve important consequences, you will be careful to obtain it with as much accuracy as possible; and report to the Department with all practicable despatch.

I am, Sir, &c.

JAMES BUCHANAN.

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## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,

20th February, 1849.

The Secretary of State, to whom has been referred a resolution of the Senate of the 23d ultimo, requesting the President "to transmit to the Senate, so far as is consistent with the public service, any correspondence between the Department of State and the Spanish authorities in the island of Cuba, relating to the imprisonment in said island of William Henry Bush, a citizen of the United States," has the honor to report that there has been no such correspondence as that referred to "between the Department of State and the Spanish authorities in the island of Cuba." He submits, however, all the correspondence between the consul of the United States and the captain general of Cuba on that subject, together with the instructions of this department to the said consul, and a note addressed to it by the Spanish minister, as coming within the spirit of the resolution.

JAMES BUCHANAN.

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[1] This report was sent by the President to the Senate, Feb. 23, 1849, and was printed in S. Ex. Doc. 33, 30 Cong. 2 Sess. 1.

## TO MR. CRAMPTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 22d Feby., 1849.

JOHN F. CRAMPTON, ESQRE.,
&c., &c., &c.

SIR:

I have to acknowledge the receipt of the note which you did me the honor to address to me on the 23d March last, in behalf of certain inhabitants of Canada, relative to the placing of impediments in a position to interrupt the navigation of the waters connecting Missisquoi Bay with the river Richelieu; and, at the same time, to transmit to you a copy of the letters written by me to the Governors of New York and Vermont, respectively, on the subject; replies to which have not yet reached the Department.

I avail myself of the opportunity to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

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## TO M. POUSSIN.[2]

DEPARTMENT OF STATE,
WASHINGTON, 23d Feby., 1849.

MR. WILLIAM TELL POUSSIN,
&c., &c., &c.

SIR:

In answer to your several notes on the subject, I have the honor to inform you that I have sent for Philip B. Key, Esquire, the United States Attorney for the District of Columbia, explained to him the nature of Mr. Marie's case, and requested him to afford that gentleman his professional advice and assistance against Mr. Favier. Mr. Key has promptly consented to comply with my request, and will be prepared to institute the necessary legal proceedings whenever Mr. Marie may call upon him for this purpose. Under our laws these proceedings cannot be commenced without the personal agency of Mr. Marie, and, if a criminal prosecution should be deemed proper, without his oath.

I have the honor to be, with high consideration,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Great Britain, VII. 201.

[2] MSS. Department of State, Notes to French Legation, VI. 127.

## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 26th February, 1849.

The Secretary of State, to whom has been referred the Senate's Resolution of the 3rd Ultimo, has the honor to report to the President the accompanying "list of all the treaties of Commerce and Navigation, between the United States and Foreign Nations, conferring upon the vessels of such nations the right of trading between the United States and the rest of the world, in the productions of every country, upon the same terms with American vessels; with the date of the proclamation of such treaties. Also, a list of the proclamations, conferring similar rights upon the vessels of foreign nations, issued by the President of the United States under the provisions of the 1st Section of the Act entitled, 'An Act in addition to an Act entitled, "an act concerning discriminating duties on tonnage and impost, and to equalize the duties on Prussian vessels and their cargoes,"' approved May 24, 1848."

Respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

LIST OF TREATIES, &C.

| Name of country. | Date of Treaty. | Date of Proclamation. |
|---|---|---|
| Denmark. | April 26, 1826. | October 14, 1826. |
| Sweden. | July 4, 1827. | January 19, 1828. |
| Hanse Towns. | December 20, 1827. | June 2, 1828. |
| Prussia. | May 1, 1828. | March 14, 1829. |
| Austria. | August 27, 1829. | February 10, 1831. |
| Russia. | December 6 and 18, 1832. | May 11, 1833. |
| Venezuela. | January 20, 1836. | June 20, 1836. |
| Greece. | December 10 & 22, 1837. | August 30, 1838 |
| Sardinia. | November 26, 1838. | March 18, 1839. |
| Ecuador. | June 13, 1839. | September 23, 1842. |
| Hanover. | May 20, 1840. | January 2, 1841. |
| Hanover. | May 10, 1846. | April 24, 1847. |
| New Granada. | December 12, 1846. | June 12, 1848 |
| Oldenburg. | March 10, 1847. | April 24, 1847. |
| Mecklenburg-Schwerin. | December 9, 1847. | August 2, 1848. |

[1] MSS. Department of State, Report Book, VI. 278. This report was sent by the President to the Senate, Feb. 27, 1849, and was printed in S. Ex. Doc. 35, 30 Cong. 2 Sess. 1.

List of Proclamations, &c.

| | Date. | Country. |
|---|---|---|
| Proclamation. | June 3, 1829. | Austria. |
| do. | September 18, 1830. | Oldenburg. |
| do. | November 4, 1847. | Brazil. |

## TO MR. CARVALLO.[1]

Department of State,
Washington, 27th February, 1849.

To Senor Don Manuel Carvallo, &c. &c. &c.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Carvallo, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile, of the 19th ult., giving notice, pursuant to the 31st article of the treaty of Navigation and Commerce concluded at Santiago on the 16th of May, 1832, that his Government desires to terminate that treaty, and that, in conformity with the article referred to, the notice will take effect on the 20th of January, next.

The intimation which Mr. Carvallo also expresses that the Chilean Government is disposed to renew the Treaty with some modifications, shall be submitted to the consideration of the President.

The Undersigned avails himself of this occasion to offer to Mr. Carvallo renewed assurances of his very distinguished consideration.

James Buchanan.

## TO MR. LOUGHEAD.[2]

Department of State,
Washington, February 27, 1849.

R. A. Loughead, Esq.
No. 29 South Fourth Street,
Philadelphia, Penna.

Sir: In reply to your letter of the 25th Instant on the subject of passports for the transit through Mexico of the

[1] MSS. Department of State, Notes to Chilean Legation, VI. 10.
[2] MSS. Department of State, 37 Domestic Letters, 114.

"Mutual California Company of Philadelphia," you are informed that it would be better for each member of the company to have a passport, that their nationality might be known in case of need. The enclosed circular relative to the issuing of them is sent for your information. It is understood that persons travelling through Mexico have permission to carry arms for self-defence, provided the Companies do not assume a Military organization.

I regret that it is not in my power to furnish you the works you request, but have no doubt if you were to apply to some one of your representatives in Congress, that your wishes in this particular would be gratified.

I am, Sir, respectfully &c.

JAMES BUCHANAN.

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## TO M. POUSSIN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 28th Feby., 1849.

MR. WILLIAM TELL POUSSIN,
&c., &c., &c.

SIR:

I have the honor to acknowledge the receipt of your note of the 14th December last, communicating the substance of two claims which you prefer against this Government on the part of M. Anselme Curnillon, a Frenchman residing in the neighborhood of Vera Cruz, whose establishments near that place, it is alleged, were pillaged and laid waste by the American volunteers, in 1847.

These claims were immediately submitted to the Secretary of War, who has made a report upon them to this Department, accompanied with documents, copies of which I now have the honor of transmitting to you.

I avail myself of the opportunity to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to French Legation, VI. 128.

## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE
WASHINGTON, 1st March 1849.

The Secretary of State, to whom was referred the Resolution of the House of Representatives of the 23rd of December, last, which is in the following words, "Resolved, That the President of the United States cause to be transmitted to this House, if compatible with the public interest, the correspondence of George W. Gordon, late, and Gorham Parks, the present Consul of the United States at Rio de Janeiro, with the Department of State on the subject of the African Slave Trade, also any unpublished correspondence on the same subject by the Hon: Henry A. Wise, our late Minister to Brazil," has the honor to lay before the President the papers mentioned in the subjoined list, which embrace all those on file in this Department called for by the Resolution.

Respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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## TO MR. GAINES.[2]

(No. 1.) DEPARTMENT OF STATE
WASHINGTON, 1st March, 1849.

MARCUS JUNIUS GAINES, ESQUIRE,
Appointed United States Consul for Tripoli.

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The bankers will be requested, moreover, to pay your drafts for the contingent expenses of the Consulate, not to exceed the sum of eight hundred dollars, per annum, to be in part expended in occasional presents and gratuities to the officers of the Regency according to the established usage of the place.

It was formerly customary to furnish Consuls of the United States appointed to the Barbary Powers with a large

[1] MSS. Department of State, Report Book, VI. 279; H. Ex. Doc. 61, 30 Cong. 2 Sess. 2. This report was transmitted by President Polk to the Senate, March 2, 1849.

[2] MSS. Department of State, Instructions, Barbary Powers, XIV. 92.

sum of money for the purpose of procuring presents for the Bey and for various officers of his Government. This custom has been discontinued in reference to the other Barbary Powers, and must be dispensed with, in regard to Tripoli. Upon proper explanations by you, should it become necessary, no just offence can be taken by the Tripolitan Government, and accordingly no such allowances will in future be made, the Department being disposed, so far as the United States have commercial relations with those Powers, to carry on that intercourse as nearly as may be according to the manner adopted in our intercourse with European States.

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JAMES BUCHANAN.

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## TO MR. CLIFFORD.[1]

(No. 15.) DEPARTMENT OF STATE,
WASHINGTON, 2nd March, 1849.

TO NATHAN CLIFFORD, ESQUIRE,
&c. &c. &c.

SIR:

I enclose to you copies of two notes, the one of the 23d and the other of the 24th ultimo, received at the Department from Mr. de la Rosa, since the date of my last despatch.

It is difficult to conceive what can be the object of Mr. de la Rosa in pursuing so pertinaciously the question of the Protocol. He nowhere states or even intimates in what particular the explanations contained in it are, in his opinion, at variance with the amendments of the Senate to the original Treaty. Indeed, he expressly declares that he "will not enter into the discussion of the question whether the explanation thus recorded in this document and the understanding therein given to certain articles of the Treaty are, or are not, at variance with the intention and design of the Senate of the United States which modified those articles."

The President, in his message to the House of Representatives of the 8th February, last, expresses the opinion that these explanations are in accordance with the Treaty, and gives his reasons for this opinion. If this be correct, as we believe it to

[1] MSS. Department of State, Instructions, Mexico, XVI. 123.

be, then no practical question can ever arise between Mexico and the United States on the subject of the Protocol. Why, then, the pertinacity of Mr. de la Rosa? Does he not believe that he has gained some advantage over Mr. Sevier and yourself by the Protocol, but this of a character which he is unwilling to specify?

The first rumors circulated in this City concerning the Protocol were that it had annulled the amendment of the Senate striking from the Treaty the 10th Article, and restored to grantees of land in Texas all the rights which they would have enjoyed under this article. These rumors were speedily dissipated by the publication of the President's Message and the accompanying documents. Still, it may be possible that the Mexican Government, urged thereto by Mr. de la Rosa, will insist upon this outrageous construction of the Protocol. At all events, that Government should now be clearly and distinctly reminded of the character of this instrument under the Constitution of the United States, although upon this subject it is morally impossible they could have been mistaken. The notes of Mr. de la Rosa to myself have rendered this necessary. As you were one of the chief actors on the occasion, and are consequently well acquainted with all the particulars, the President has deemed it proper to entrust you with the performance of this duty. Besides, this can be done more advantageously in Mexico than Washington, because it is almost certain from the circumstances that Mr. de la Rosa has been acting without express instructions, and I fear under unhappy influences, to which he is peculiarly exposed from his entire ignorance of the English language. Had he sought an interview with me upon the subject in the first instance, instead of adopting the course which he has pursued, it is probable I might have convinced him, that although the Protocol is of no validity considered as a new agreement between the parties, yet that the exposition of the three points which it embraces is a fair and legitimate construction of the Treaty and ought to be entirely satisfactory to his Government.

Mr. de la Rosa, in his note of the 24th ultimo, asserts that "this Protocol is a real Diplomatic Convention concluded between the Government of Mexico and that of the United States, and equally binding on both." And again: "In whatsoever light the Protocol may be considered, the Undersigned firmly believes that the Government of the United States cannot do less than recognise in it a Diplomatic Convention, as obligatory as the

Treaty of Peace signed at Guadalupe." Now although the explanations contained in the Protocol present, in my opinion, the true exposition of the Treaty, yet if this were otherwise and they should contain any new stipulation, any change or modification whatever of any article in the Treaty, not in conformity with its letter and spirit, to this extent they are an absolute nullity.

Under forms of Government where the Sovereign or Chief Magistrate possesses exclusively the Treaty making power, he may by a Protocol or any other instrument agree with the other party to modify or change a Treaty in any manner he may think proper after it has received his ratification. But under such Governments as those of Mexico and the United States, where the approval of the Congress under the Constitution of the former and the advice and consent of the Senate under that of the latter are necessary to give validity to Treaties, no change can be made in any Treaty between such parties which has not previously received the constitutional sanction of those respective bodies. If this were not the case, diplomatic agents, on whom it would be impossible to confer any such legitimate authority, might, by means of a Protocol, usurp the powers of the American Senate and bind the Government of the United States in express violation of the Constitution. No case could be presented more striking than the present to illustrate the absurdity of such a pretension. Here is a Treaty which had been ratified by the President of the United States by and with the advice and consent of the Senate, and had been approved by the Mexican Congress; and yet the monstrous proposition is advanced, that the diplomatic agents of the two Governments, by an agreement in the form of a Protocol, possess the power to change, modify, and annul the articles of this Treaty at pleasure. Had the Mexican Government attached any serious importance to the Protocol, their course was plain. The Congress of Mexico ought to have approved and the President ratified the Treaty with amendments. It would then have been returned to the President of the United States, who might, in his discretion, have submitted it to the Senate for their advice and consent, and if this had been given, he would again have ratified it in its amended form. But without any resort to these constitutional sources of power, it is now contended by Mr. de la Rosa that this mere Protocol between the diplomatic agents of the two governments, which has never received the sanction of the Senate of the one or the Congress of the other,—which has never been and could

not be published by either Government as a part of the Treaty, is "a Diplomatic Convention as obligatory as the Treaty of peace signed at Guadalupe."

It is impossible that the Mexican Government could have been ignorant of the provisions of the Constitution of the United States in regard to the Treaty making power. They had at different periods concluded Treaties with this Government. The very form of our ratification of the Treaty in question, as well as of all these former Treaties, must have taught them that the President, without the advice and consent of the Senate, could enter into no valid Treaty stipulation whatever with a foreign Government. Much less were mere diplomatic agents, however exalted in rank, competent to exert this high power of binding the Government and people of the United States and declaring what should be the supreme law of the land. That the Mexican Government knew all this, is demonstrated by my letter of the 18th March, 1848, to the Mexican Minister of Foreign Affairs. From this I extract the following quotation: "Your Excellency is doubtless aware that, under the Constitution of the United States, 'the advice and consent of the Senate' is necessary to the validity of all Treaties, and that this must be given by a majority of two thirds of the Senators present. Every Treaty must receive the sanction of this august Executive Council, in the manner prescribed by the Constitution, before it can be binding on the United States."

And yet if rumor be correct, Mr. de la Rosa, in the face of all this knowledge, will contend that the tenth article of the Treaty, which he was informed in the letter just referred to had proved so obnoxious to the Government of the United States that the portion of it in regard to lands in Texas did not receive a single vote in the Senate, has been revived in this very particular by the paper called a Protocol, and is now to be held as sacred as if it had received every vote of the Senate. It is to be hoped that the Mexican Government will not adopt any such absurdity upon the suggestion of their Minister.

When the Senate of the United States deem it proper to make amendments to a Treaty, it often becomes an indispensable though a delicate duty for the Secretary of State, under the direction of the President, to afford to the Government of the other party explanations of these amendments. In preparing the letter of explanation to the Mexican Minister for Foreign Affairs, I used the utmost caution and care and resorted to the

best sources of information. I am not aware that any portion of this letter has ever been criticised, much less condemned. The President considers that the explanations in the Protocol are in conformity both with the Treaty and this letter. In communicating with the Minister for Foreign Affairs upon the subject, I trust, therefore, that you may be able to convince him that the Protocol contains a correct exposition of the Treaty, and that the Treaty thus explained secures to Mexico all her legitimate rights, in the same manner and to the same extent as though the Protocol had been made a part of the Treaty, under the authority of the Mexican Congress and the Senate of the United States.

It would be lamentable indeed should this question, which does not appear to be of the least practical importance, produce unkind feelings between the two Republics at a moment when the future relations between them promise to be of the most auspicious character.

Your despatches to No. 38, inclusive, have been received.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

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## TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,

WASHINGTON, 2d March 1849.

TO THE PRESIDENT OF THE UNITED STATES.

The Secretary of State, to whom was referred a Resolution of the House of Representatives of the 20th Instant, requesting the President to communicate to that House, a list of all Consuls, Vice Consuls, and Commercial Agents now in the service of the United States, their residence, distinguishing such as are citizens of the United States from such as are not, and to inform the said House whether regular returns of their fees and perquisites and the tonnage and commerce of the United States within their respective consulates or agencies have been regularly made by each, and to communicate the amount of such fees and perquisites for certain years therein specified, together

[1] MSS. Department of State, Report Book, VI. 250; H. Ex. Doc. 60, 30 Cong. 2 Sess. 2. This report was transmitted on the same day by President Polk to the House.

with the number of vessels and amount of tonnage which entered and cleared within each of the Consulates and Agencies for the same period, also the number of seamen of the United States who have been provided for and sent home from each of the said Consulates for the time aforesaid, has the honor to submit the enclosed statements, which comprise all the information which could, under the said resolution, be prepared at this Department in time to transmit during the present session of Congress.

Respectfully submitted,

JAMES BUCHANAN.

LIST OF STATEMENTS ENCLOSED.

No. 1. Statement showing the names of the Consuls and Commercial Agents of the United States—their places of residence—of what country a citizen, and the amount of fees received by each in 1846 and 1847, as far as is shown by the Returns received at the Department of State.

No. 2. Statement showing the number of destitute American Seamen who have been provided for by U. S. Consuls and Commercial Agents in Foreign ports; the number sent home whose passages have been paid by the Consuls, and the Commissions allowed on their disbursements for the relief of said seamen, during the fiscal years ending 30th June, 1846[1] & 1847.

No. 3. Statement showing the number of destitute American Seamen brought to the United States from the different Consulates and their dependencies, whose passages were paid at the Treasury, during the two fiscal years commencing 1st July, 1845, and ending 30th June, 1847.

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## TO MR. PARKER ET AL.[2]

WASHINGTON, 12 March 1849.

GENTLEMEN/

I have received your very kind invitation to a public dinner proposed to be given to me by my political friends in this City, on the occasion of my retirement from the Department of State. The high estimate placed by you upon my public & private character, with which you have been long & intimately acquainted, will be ever remembered with sentiments of profound gratitude. The value of this testimonial is enhanced by the fact that it

[1] Although the Report Book in the Department of State reads "30th Jan'y 1846," the tabulated statement following shows that the date should read "30th June, 1846."

[2] Buchanan Papers, Historical Society of Pennsylvania.

proceeds from Democrats in a private station whose worth & intelligence are known to the whole community.

Whilst you do more than justice to the ability,—I feel proudly conscious that you have not overrated the fidelity—with which I have discharged my duties to the Country, in Congress & in the State Department. A Democrat from deep conviction, the best years of my life have been devoted to the defence & promotion of the great principles of the Democratic party. Their ascendancy in the Legislative & Executive branches of the Government has secured to us liberty, order, & unexampled prosperity at home, and has elevated us to a high & enviable rank among the most powerful nations of the earth. Any serious departure from the line of public policy which has been pursued by successive Democratic administrations, will, I firmly believe, result in disastrous consequences to the people, and excite dangerous jealousies & divisions among the States of the Union; whilst, should this policy continue to be our guide, we shall soon surpass every other nation in wealth, power, & prosperity. The day will not then be distant when to be an American Citizen will constitute as proud a title & command as much respect throughout the world as ever did the name of a Roman Citizen. Whilst these are my deliberate sentiments, they are not entertained in a proscriptive or unfriendly spirit towards our political opponents, and especially those of this City. Far, very far from it. Having been intimately acquainted with the citizens of Washington of all political parties for a quarter of a century, I can truly say, that in my opinion, a more intelligent, moral, hospitable, & patriotic society does not exist in any Country. I shall part from them with deep regret, and next to the State which gave me birth, there is no place in Christendom where I should more willingly pass the remainder of my days.

You refer kindly to the course which I have pursued in the Senate when measures touching the interests of the City of Washington have been the subjects of Legislation. Whenever I could support such measures without violating my obligations to my own Constituents, this has been done, with hearty good will. It is the duty & ought to be the pleasure of Congress, by all Constitutional & proper means, to build up the permanent capital of this great nation, which has been honored by the name of the father of his Country.

Entertaining such sentiments, it would afford me cordial

pleasure to accept your invitation & mingle with you around the festive board: and I have, therefore, to regret that the time which I must devote to the necessary arrangements incident to my speedy removal from Washington renders this impracticable.

From your friend & fellow citizen

JAMES BUCHANAN.

GEORGE PARKER, B. B. FRENCH, JOHN W. MAURY, J. D. HOOVER, JESSE E. DOW, G. W. PHILLIPS, JOHN BOYLE, & B. B. EDMONSTON, ESQUIRES, & others.

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## TO MR. CLAYTON.[1]

LANCASTER 9 April 1849.

DEAR SIR,

Yours of the 6th Instant has been received. I have never felt the least inclination to follow your own precedent and tell you to go to the D—l. Although you have played me a shabby trick, yet I sincerely desire that you should serve your Country with honor to yourself in the Department of State, and lead a long and prosperous life in this world before the old gentleman shall obtain his due.

Had you not been harassed by far more important and pressing engagements, you would, doubtless, before you had deprived Mr. Weaver of Mr. Glossbrenner's salary to which I had appointed him, have informed me of the reasons why you intended to make the change. Had this been done, I could have assured you that you were mistaken in the facts; and, in any event, all would have passed off smoothly.

It is impossible, with any regard to the public service, that promotions can be made uniformly in the Department of State according to seniority. Indeed I know not how I could have got along at all without the aid of Mr. Hunter first and afterwards Mr. Glossbrenner; and had I remained in the Department, I should have selected in Mr. Glossbrenner's place the ablest writer and the best Scholar, especially with reference to a knowledge of foreign languages, I could have found in the Country for a salary of $1400.

From Mr. Derrick's letter I had feared that my note to Mr.

[1] Clayton MSS., Library of Congress.

Chew contained some incautious expression unintentionally committing myself to make promotions according to Seniority. I have since obtained a copy of that note and am glad to find it will bear no such construction.

It was my pride and my pleasure to treat all the clerks not only with justice but kindness. The three who could alone be affected by the appointment of Mr. Weaver were Mr. Reddall, the younger Mr. Derrick, and Mr. Zantzinger; all excellent clerks in their permanent places. I had shewn my kindness to Mr. Reddall and Mr. Zantzinger by urging actively and successfully the passage of an appropriation for them of between 7 & 8 hundred dollars for extra services; and had greatly increased my own labors by temporarily assigning the younger Mr. Derrick to his brother's place at the head of the most important Diplomatic Bureau. The term "overslaughing" which you employ can only apply to those who have a right to promotion, as in the army or navy, according to Seniority,—a right which none of your predecessors have found it possible to recognize in practice.

Had General Cass been elected, though I should not have remained in the Department, it was my purpose to provide places at higher salaries, in the other Departments, for Messrs. Derrick and Zantzinger, where they could have been eminently useful. This justice would have required; and the salary of Mr. Reddall ought to have been increased by Congress.

I shall not use the naughty word "untrue," which you have employed in the conclusion of your letter, because I do not suffer myself to get into a passion; but until I perused it, who could blame me for applying the rule both of law and ethics that every person is presumed to intend the fair consequences of his own actions.

The subject is disagreeable and I shall say no more upon it. Mr. Weaver will probably remain some time with your permission at $1000; because by returning home, at the present moment, both he and I would be placed in an awkward and almost ridiculous position. I trust, however, that he may not long prove a source of embarrassment to you; and I unaffectedly regret that I brought him from Meadville to Washington, and this in a great degree because it has occasioned a misunderstanding between us.

With sentiments of the highest respect, I remain

Yours sincerely

JAMES BUCHANAN.

HON. JOHN M. CLAYTON.

P. S. In justice to Mr. Weaver, I ought to observe that my letters have been written without any instigation on his part. On the contrary, he has always spoken of you kindly and respectfully, and I have no doubt he will do his best to serve you in whatever position you may place him.

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## FROM MR. CLAYTON.[1]

WASHINGTON, April 14, 1849.

DEAR SIR,

Late at night after a hard day's work, I sit down to pay my respects to you. I am in a good humour with myself and you and all the world. So do not expect your deserts.

The first part of your last letter, which informs me that the Devil will get his due when my life of care and labour is ended, is capital. I shall then be summoned to give evidence against *you*, and what a tale I shall be compelled to tell on you! The Mexican protocol—the Brazilian quarrel—the Spanish mission and projected purchase (a blunder worse than a crime) —the violation of our neutrality law of 1818 and of the treaty with Denmark by building a ship for the German confederation or rather fitting her out to force the blockade of the Weser, all done by orders from Washington and under the direction of an American commodore, with other enormities too tedious to mention, and last (not least) your getting in a passion with an old friend about a clerk—these will all rise up in judgment against you and I shall be compelled

> "Even to the teeth and forehead of your faults
> To give in evidence."

If I go to the devil, it will be because I am here daily engaged in covering up and defending all your outrageous acts. I have already gone so far in this, that I now feel that I am "little better than one of the wicked."

As to the protocol—Rosa & I are in a quarrel about that. I have replied to his two last notes to you and told him we will never acknowledge that his protocol is of any value. If I have not proved it to be moonshine, I have made a great failure.

Baron Von Roenne's ship may go out on his assuring me she will not violate our neutrality. And (hark in your ear,) if he does not give me that assurance, the law may take its course without my interfering to save his ship. Do you not seriously feel ashamed of your part in that business? Make a clean breast to me, and I will make the best of your case when called upon to prove old Nick's title to you.

The Brazilian Macedo laboured hard to revive your naughty discussion about Lieut. Davis and the drunken seamen in Rio. I refused to revive it, assumed that you were altogether right (God assoilzie me for that!) and dismissed him with compliments!

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[1] Buchanan Papers, Historical Society of Pennsylvania.

What will you give me to recall Romulus Saunders from Spain? Speak out—do not be bashful. Shall I try to buy Cuba after you have made such a botch of that business? Do you still wish like Sancho to have an island? What ought to be done with Mr. Reynolds?

As to young Weaver, he minds his business and will be contented & happy, provided his great uncle will let him alone. I have turned out Lund Washington, who figured with other politicians at Jackson Hall, put Hill in his place, and procured an able lawyer to be Librarian & Commission Clerk who can assist me in hunting up law to cover your manifold delinquencies.

When you come to Washington (which I hope may soon happen) do not bear malice, but come to my House and stay with me. I am in your shoes now fully, and you can do yourself great credit by showing me how to wear them gracefully.

Kindly & Sincerely yours

JOHN M CLAYTON.

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## TO MR. CLAYTON.[1]

LANCASTER 17 April 1849.

DEAR SIR/

Your letter of the 14th has afforded me sincere pleasure; although I deny your right to select the tribunal before which I shall be tried. What chance, Christian man as I am, could I expect, you being the witness & accuser, before a Judge concerning whom it has passed into a proverb that he is always partial to his own? In vain might I allege in my defence that the protocol was necessary for the glorification of my successor, as without it he would have had no adequate opportunity to display his patriotism to the world & exhibit his ability & skill in a diplomatic encounter with the illustrious & far famed Don Luis de la Rosa;—that the Brazilian quarrel which gave fair promise at one time of producing a tempest in a Teapot was virtually settled by your predecessor in the only effectual manner by assuming a just & lofty attitude in support of the lamb-like Wise:—and that the late glorious Loco Foco administration had played into your hand by committing itself in favor of acquiring "the gem of the ocean" for which you are now longing. It must be admitted that a more skilful agent might have been selected to conduct the negotiation in Spain, as our present minister speaks no language except English, & even this he sometimes murders; but you ought not to complain, because the contrast will be so striking between him & the world renowned

[1] Buchanan Papers, Historical Society of Pennsylvania.

Col: I. W. W. that this alone would be sufficient to immortalise the administration of "old Zach."

We must have Cuba. We can't do without Cuba, & above all we must not suffer its transfer to Great Britain. We shall acquire it by a coup d'etat at some propitious moment, which from the present state of Europe may not be far distant. How delighted then am I to feel that you have selected a diplomatist & fit for the work,—one who, possessing no vanity himself & knowing when to speak & when to be silent, is so well calculated to flatter the pride of the Dons,—who by the gentle arts of insinuation & persuasion can gradually prepare the queen mother, the ministers & courtiers for the great surrender,—& who above all is a perfect master both of the language of Louis le Grand & of the knight of the rueful countenance. Cuba is already ours. I feel it in my finger ends.

The glory of fitting out a vessel of war for the German empire belongs to the Navy Department; and I am glad to perceive that no partiality for the patronising Whig Bodisco nor dread of his Imperial master will cause you to arrest our important commerce in ships, since you have determined that the word of Baron Roenne shall prevent the execution of our neutrality laws. Great Britain, I perceive, is, also, furnishing steamers for the use of the German navy. Prussia will probably reap the benefit of the concern.

If I were to consult my personal predilection, although you are but little better than one of the wicked, I should rather stay at your house, when I visit Washington, than any where else. But this I cannot do for two reasons: 1. Your Whiggery might be suspected should I become your guest, & 2. I have not yet learned, though I am learning, "to look upon blood & carnage with composure." Alas poor Washington!

From your friend very respectfully

JAMES BUCHANAN.

HON: JOHN M. CLAYTON.

P. S. I may have occasion to visit Washington for a day or two in June: & if so, shall most certainly do myself the pleasure of spending an hour with you should your engagements permit.

## TO MR. TOUCEY.[1]

WHEATLAND, near LANCASTER, 1 June 1849.

MY DEAR SIR,

It is now nearly three months since we separated at Washington, & yet we have had no more intercourse with each other than though we were strangers. Indeed I have not had a line from any member of the late Cabinet except Governor Marcy. As it is my sincere desire to keep the chain of friendship bright between us, I have determined to break the ice & open a correspondence with you.

I am now residing at this place, which is an agreeable country residence about a mile & an half from Lancaster. If you should at any time visit Washington, I hope you may not fail to come this way. There is a better rail road from Philadelphia to Baltimore, via Lancaster, than by the direct route: & you would pass through a beautiful country. I should be delighted with a visit from Mrs. Toucey & yourself.

I can say in all sincerity that I am contented & even happy in my retirement. Since I left Washington, I have led a more idle & worthless life than at any former period. It is true I have read a great deal; but this only for amusement. I intend now to turn over a new leaf.

For the character of the Country, I regret that the administration of General Taylor has been so proscriptive. Pledges solemnly made by a candidate for the highest office under the sun ought to be sacredly redeemed. If these can be violated with impunity, then all faith in public men is at an end: & a struggle for the Presidency must become a game of false promises. What will then become of public virtue? It is true, these pledges ought never to have been made, & there would have been great difficulty in resisting the assaults of hungry office hunters: but the old General ought to have weighed well the consequences before he committed his honor.

On yesterday I received a letter from an intelligent & *well informed* friend in the City of Mexico under date of the 14th ultimo. He says that Mr. Clifford "is most deservedly popular with his Countrymen & influential & popular with the Mexican Government & people." He informs me that the protocol is perfectly understood in Mexico just according to our

[1] Buchanan Papers, Historical Society of Pennsylvania

interpretation of it & he "*knows* that Mr. Rosa has acted in whatever he has done without instructions from his Government on this subject." He proceeds—"So far as I can judge from reports from the U. S., he has been made a cat's-paw to gratify the vindictive feelings of one who it pains me to see has not hesitated to strike over the heads of some who had claims on him for better things, & even to disregard the ashes of a long & intimate political friend, to reach the President who I presume to have been the object of attack."

I cordially congratulate you upon the recent success of the Democratic party in Connecticut. I think we shall elect our Canal Commissioner in October next, & entertain no doubt of our success, should an unobjectionable candidate be nominated at Pittsburg. The Democratic party are still in the majority in this State; but in order to bring out our strength we must consult their wishes in the selection of candidates. The time has passed when a nomination is equivalent to an election even for State offices, not to speak of U. S. offices.

Please to remember me most kindly & respectfully to Mrs. Toucey & believe me ever to be sincerely your friend

JAMES BUCHANAN

HON. ISAAC TOUCEY.

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## TO MR. HOOVER.[1]

*Private.*

WHEATLAND 4 July 1849.

MY DEAR SIR/

I have just received your kind letter of the 29th ultimo, postmarked July 3d, & hasten to give it an answer before setting out for the Bedford Springs. Had I received it, with the Republic, sooner, I might have deemed it necessary to cause an article to be prepared in reply. A week has now passed & I do not consider it worth the while.

The "drop of blood lie" has been often refuted; & finally in my absence by a large number of the most respectable Democrats & Whigs of Lancaster when the charge was made against

[1] Buchanan Papers, Historical Society of Pennsylvania. Of J. D. Hoover, J. Buchanan Henry, Esq., in a letter to the editor, says that he was "marshal of the District of Columbia under President Pierce; was a good Democrat, and a friend of Mr. Buchanan."

me in the Convention to reform our Constitution. I did serve as a volunteer in the war with Great Britain & this the Republic does not deny. That I delivered an oration, *not whilst the war was raging, but after the peace*, containing some things which I regret, on the 4th July 1815,—*now thirty-four years ago*, is certain. *Mr. Gregg never was a federalist.* The truth is that my family were federal; & I commenced life under that name. The war was declared against Great Britain whilst I was a student at law; & outraged at the course of the Eastern federalists, the very first public speech I ever made was in favor of raising volunteers to march against the enemy, & I was the first man of the assemblage to volunteer myself. As soon as I directed my mind to the subject of politicks, I became a Democrat, & for at least a quarter of a century, through good & evil report, I have employed all my powers in support of Democratic principles. So uniform & consistent have I been, that my enemies are obliged to go back more than a quarter of a century to find charges of the least plausibility against me; & these are confined to such statements as are contained in the Republic.

From the few numbers I have seen of this paper, it is a poor concern & will before very long die the death of the Whig.

It is my purpose in the course of the present year to have a volume of my select speeches published commencing in 1822: & probably a sketch of my life may precede them. These & it will shew what I have been & what I am. In the mean time, I consider it best not to notice the Republic.

I regret that I did not see you whilst I was in Washington. The weather was so hot & I was so oppressed by it that I was glad to make my escape after I had transacted the private business which took me there.

In haste, I remain

Very respectfully your friend

JAMES BUCHANAN.

J. D. HOOVER.

P. S. I rejoice that you did not go to California.

## FROM MR. BLAIR.[1]

Silver Spring, 22 Nov. 1849.

My dear Sir:

It touches me sensibly to observe in your note, that the deep grief felt at the loss of a sister awakens regrets for our estrangement. Nothing costs a kind heart severer pangs, than alienation from the friend of many years, at a time of life too late to make new attachments. Hence I never complained to you nor of you, unwilling to allow political repulsions to be ripened into personal ill-will, by heated controversy, which, from your position, I foresaw would be inevitable if I expressed my dissatisfaction. I silently dropped the intimacy, which had been a source of so much gratification to me. It is due, however, since you ask it, that I should let you know how my mind has been impressed.

It was a long time before you were connected in my suppositions with Mr. Polk's ungrateful & insidious treatment of the great & good men who gave him his public consequence. His heartless sacrifice of the most anxious wishes of the noble old chief who raised his inferiority through successive distinctions to the highest (the overthrow of the Press which the General had built up with such fond hopes for the vindication of his policy—the dismission of friends for whom he implored with the feeble pen which showed it was the last boon he could ever ask) could not have accorded well with the sympathies you were known to entertain. Nor could the sinister policy which gave the enemies of Van Buren & Wright the power of the administration to sap their strength at home, at the hazard of ruining the Democratic party, have had your approbation. Every body perceived the selfish design, and you not less evidently than others, because the same policy was brought to bear on you in your own State. Everywhere the leading men of the party were to be undermined in their strongholds by local rivalries, that the re-election of the presidential incumbent might become a party necessity.

It was in the case of Col. Benton that I first had reason to believe that you entered into this policy of Mr. Polk; whether as likely rather to enure to your own advantage, is a suggestion that might not have entered into the calculation, inasmuch as public considerations may, with you, have had controlling weight. Mr. Polk's prospects, however, were well nigh extinguished, when he threw himself on Colo. Benton's counsels, to deliver him in that crisis of the Mexican war when the frontier conquests promised nothing but an eternal border foray. The plan of the Whigs—of Genl. Taylor—of Calhoun—and it is believed of the cabinet for the most part, was a defensive war of Posts, which must have out-lived the administration & ended its career overwhelmed with the country's dissatisfaction. Colo. Benton's plan of operations, (striking at the heart of Mexico in her capital) being adopted, put an end to the war—bringing with it extensive conquests, guarantied by a treaty of peace instead of a war of posts. Mr. Polk after appropriating Col. Benton's bold conception and adopting his written chart, to carry it out, asked him to take upon himself the execution & proposed to him the Lieutenant Generalship. That this failed, though favored by the people's immediate Representatives, through latent jealousy producing a

[1] Buchanan Papers, Historical Society of Pennsylvania.

betrayal in the quarter whence the proposal came, is pretty generally believed. When the Senate by an unhesitating confirmation of Col. Benton as Major General gave the power & threw the responsibility on the administration of clothing him with the command in chief which had been offered by it, in the first instance, the real state of feeling in the cabinet was revealed. It was at the point of time when this matter was just decided that I met you on my way to Col. Benton's to ascertain the result. On learning my errand, you smiled somewhat jeeringly and exclaimed, "Why, Mr. Blair, do you think the Colonel at his time of life capable of such a command?" The conversation which ensued left no doubt as to the result & that you had contributed to it.

Apart from the bad faith to Colo. Benton or its effects on himself, the selfish motives of the course adopted & its consequences to the democratic party were enough to array all its true hearted friends against the plotters in power. The Whigs were to have the command in the war. The Democrats were obliged to bear whatever responsibility might attach to it; and the Administration fancied, doubtless, that the democratic party would place the glory of the achievements of the Whig Leaders to the account of those who were at the head of affairs, and who were also charged with the party's interests & identified with its success: whereas those managers saw, that if Democratic Generals led our armies to victory, they might supplant the power at Washington in the affections of its supporters, on all the considerations upon which they relied themselves. But what a fond calculation, to put the whole military power & treasure of the country in the hands of political enemies with democratic armies to lead, & to suppose that the masses would carry their exploits and lay them at the feet of a board of Secretaries far from the field of action. The Administration notwithstanding was, doubtless, encouraged in its course by the thought that their party friends would be reluctant to give Scott & Taylor the glories of a war on which one had turned his back at the threshold and the other prosecuted reluctantly with a protest against having advised it. But the President and his friends were sure that if Benton or any other eminent Democrat who had declared the war & boldly supported it in debate, were to bring it to a triumphant close, the laurels gathered round his brow might crown him with the highest honor of the Republic. There was more danger, then, it was thought, in Benton or Houston than in Taylor or Scott, achieving democratic victories.

The dénouement of this policy is now upon us, but I apprehend we have only "the beginning of the end." It is a sad sight to witness the simple but noble structure built up & consecrated to Democracy by Jackson, Van Buren, Wright, Benton, Buchanan, & other illustrious Statesmen undermined & overthrown by the selfish schemes of an administration,—striking down the man by whom it was installed,—a very sorry sight even for one who only carried a hod in the building. But what may we not expect, when we have already seen that devoted party whose spirit & patriotism have triumphed in all the wars of the country, & recently enriched it by conquests extending from ocean to ocean, marched under the Caudine forks of federalism & made to surrender the govt. to an opposition which has been at heart against the Republic in every battle since the Revolution.

But I am now a dead man in politics, and would not revive buried griefs.

Your letter has called up the bitterest—that of making Scott and Taylor heroes at the expense of the life's blood of a party that owed them no such sacrifice. I would rather remember the friendly offices & kindly social feeling exhibited during my intercourse with the chiefs of my party, in their happier days. With none of them have I enjoyed more cheerful pleasant hours than with you. I would gladly renew our friendly meetings. In the meantime I recur with pleasure, as you say you do, to "auld lang syne"—in its remembrance banishing the present.

With offerings of tender sympathy for your late bereavement I am, Dear Sir,

Cordially your friend

F. P. Blair.

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## TO MR. BLAIR.[1]

Wheatland 27 November 1849.

My dear Sir,

I received, on yesterday evening, your favor of the 22d Instant: & most heartily do I rejoice that our ancient friendly relations have been restored, never again, I trust, to be interrupted. I shall ever consider that it was a fortunate inspiration which prompted me to take the first step towards such a gratifying result.

There are some parts of your letter which might excuse me for making an extended answer; but I am determined both now & hereafter to avoid any discussion which might by possibility revive unpleasant feelings. Besides, my delicate relations as a member of Mr. Polk's cabinet would prevent me from speaking of what occurred in Cabinet Council.

Still duty to myself impels me again explicitly to declare that I have never wronged in thought, word, or deed: & further to state that up till the day of Mr. Wright's death, he had reason to know I was his sincere & devoted friend both personally & politically. As a public evidence of this, you are aware that without hesitation, I assumed the responsibility of changing the printer of the laws from the Argus to the Atlas simply because the latter was his friend & the former his opponent. Of all the public men I have ever known, he combined the soundest head with the warmest heart.

It is my duty to say one word concerning the conduct of the late President in regard to the Lieutenant Generalship. If

[1] Buchanan Papers, Historical Society of Pennsylvania.

I were called upon in a Court of Justice to give testimony, I should be obliged to declare it as my opinion, from all I ever saw or heard, that he is guiltless of the imputation of having by any means, direct or indirect, endeavored to defeat the Bill before the Senate. From a high, it may have been a mistaken sense of public duty, I was opposed to placing any civilian at the head of the army, & this I did not conceal from Col: Benton himself. In arriving at this conclusion I can truly say that all my personal feelings were in conflict with my judgment. After the President, however, had determined upon the measure, I never either directly or indirectly attempted to thwart or oppose it in either branch of Congress. Upon recurring to the ayes & noes in the Senate, I find that every Democrat present voted against laying the Bill on the table except Messrs. Butler & Calhoun of South Carolina & Yulee of Florida: & surely these three votes may be accounted for without supposing that Mr. Polk desired or attempted to defeat this Bill. I know that he expected the votes of Mr. Crittenden & some other Whig Senators in its favor.

But enough & more than enough of this. With you I deplore the fatal effects of the dissensions which have arisen in the glorious old Democratic party at the head of which stood the noblest Roman of them all, sustained by a Press which has not since been equalled & in this country has never been surpassed. For my own part, so intent was I on giving to Mr. Van Buren an unanimous nomination in 1844, that in December, 1843, I publickly declined being a candidate in order that he might from the beginning obtain the vote of Penna. in the Convention. The Texas question was the Grecian horse that entered our Camp. It came there without any previous knowledge on my part: & I have always believed that had you been then in sound health, we should have been saved from this calamity.

Nothing would afford me more sincere pleasure than to welcome Mrs. Blair & yourself to Wheatland. I cannot expect the pleasure of such a visit during the winter: but if we all should live until the next summer, I shall take no denial. You often go North, and there is an excellent & well conducted rail road from Baltimore to Lancaster & from thence to Philadelphia.

In sincerity & truth, I remain your friend

James Buchanan.

Francis P. Blair.

## 1850.

## TO W. R. KING.[1]

Wheatland 6 March 1850.

My dear Sir

I wish you to be my Mentor & I now write to you for advice. It is my determination to publish a letter on the Slavery question, if I thought it would do good; but the Missouri Compromise must be the basis of this letter, should I publish at all. I observe that Mr. Foote is convinced that his Committee will settle the whole difficulty. What is the plan? If it should be different from that Compromise, my letter might do harm instead of good. Besides, if the South should yield, without any permission express or implied, the liberty to take slaves to any portion of the territory, this would place me in a most embarrassing position at the North, for then I should go further than they require. The Baltimore resolutions are very tame & coming from a slave holding State will do harm.

My letter, for it is already prepared, goes against

1. The agitation, of which I give a history.

2. Against the Wilmot Proviso.

3. Against the abolition of Slavery in the District.

4. In favor of an efficient Act concerning fugitives & of the repeal of all counteracting State Laws.

5. In regard to the territories,—it goes in favor of running the Missouri Compromise to the Pacific, through California, & admitting that portion North of 36° 30′ as a State, admitting the right of the South to carry their Slaves South of it.

6. It does not oppose the settlement of the whole question contemporaneously if the South should agree to it by admitting *all* California; measures being at the same time taken to admit a State from Texas, the Missouri Compromise however to be applicable to the remainder of the Territory.

I have prepared the letter with care & I think it would do some good in this region; but to do any thing efficient towards the settlement of the question, it must not be in opposition to or in conflict with the plan of settlement which may be adopted at Washington.

I ought to add that finally I say the admission of California

[1] Buchanan Papers, Historical Society of Pennsylvania.

per se would not be an injury to the South of a character which would justify the dissolution of the Union.

Will you be kind enough to put on your considering cap & advise me. I am exceedingly pressed to publish, & would, therefore, thank you to write me as soon as convenient & consider this perfectly confidential, as your letter shall be considered by me.

Please to remember me in the very kindest terms to Mrs. Ellis, & give my love to Margaret, & believe me always to be sincerely & respectfully your friend

JAMES BUCHANAN.

COL: KING.

P. S. I regretted some parts of Mr. Calhoun's speech very much but was not astonished. If the South depend upon Webster, I venture to predict they will depend on a broken reed; but right glad will I be, should it prove to be otherwise. The appointment of his son is ominous.

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## TO MR. KING[1]

WHEATLAND 15 March 1850.

MY DEAR SIR/

I have just received the National Intelligencer of yesterday morning, & in looking over the proceedings of the Senate, I find that Mr. Seward said.—"I think it was Jefferson who said that the natural ally of Slavery in the South was the Democracy of the North."

"Mr. Hale. It was Mr. Buchanan who said so."

Now, I have been greatly injured by the circulation of brief, short sentences falsely attributed to me, witness the drop of blood lie, & I have no doubt, unless this is put to rest on the floor of the Senate, the abolition & free soil papers of the North will have this sentence placarded in all their papers:

"The natural ally of Slavery in the South is the Democracy of the North." James Buchanan.

General Cass & Mr. Foote were very ready to defend Mr. Jefferson, but did not say a word about your absent friend.

The only observation which according to my best recollec-

[1] Buchanan Papers, Historical Society of Pennsylvania.

tion I ever made that would give the least color to such an imputation is to be found in my speech on the veto power delivered in the Senate of the United States on the 2d February, 1842, reported in the Appendix to the Congressional Globe for that year, page 133. The particular portion of this speech to which I refer you will find in page 137. It begins with the following sentence:—"Let me suppose another case of a much more dangerous character," &c. &c.

I shall be very happy indeed to have the whole of this paragraph read. I don't retract a word of it; but glory in it. This, however, affords no foundation for the charge.

I may have said upon other occasions in the Senate, for I have often said it in conversation, that beyond the limits of the Slave States themselves, the Slaveholders have no friends or allies to stand by their constitutional rights except the Democracy of the North. This is true to the letter & has been true for many years.

You might discover to what speech of mine Hale refers. I have no fear that he can shew any such expression of mine anywhere.

I am sorry to give you this trouble, but to whom else can I refer to put me right but yourself.

From your friend very respectfully

JAMES BUCHANAN.

HON: WM. R. KING.

P. S. If you choose, please to shew this letter to Col: Davis. I know he would always be willing to defend an absent friend.

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## FROM MR. DAVIS.[1]

SENATE CHAMBER, 15th March, 1850.

J. B. BUCHANAN

MY DEAR SIR: I have delayed for some time a purpose not any time abandoned of writing to you on a matter concerning both of us & yourself particularly.

Soon after you left here, Mr. Cameron called on me and questioned the propriety of my remarks made in relation to yourself in connection with the Mo. Compromise. He produced an old newspaper in which an account was given of a meeting in Lancaster, say in 1820. Among other resolutions my attention was called to one taking decided ground against slavery, especially

[1] Buchanan Papers, Historical Society of Pennsylvania.

against the admission of any more slave states. I saw the paper but once and do not very clearly remember its contents.

I informed Mr. C. that I would write to you, as a matter of justice to you and myself.

And now having commenced I will further say that it is reported here that you recoiled from the proposition to extend the Mo. Comp. line with the admission of the right to take slaves into the territory south of that line. Thus you are unfavorably compared with Mr. Cass, who has, it is reported, said to friends that he would go thus far.

As ever your friend

JEFFERSON DAVIS.

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## TO MR. DAVIS.[1]

*Private & confidential.*

WHEATLAND 16 March 1850.

MY DEAR SIR,

I was in Town this afternoon & receiving your letter there I gave it a hasty answer, provoked thereto by the conduct of Cameron.

So far from having in any degree recoiled from the Missouri Compromise, I have prepared a letter to sustain it written with all the little ability of which I am master. You may ask, why has it not been published? The answer is very easy. From a careful examination of the proceedings in Congress, it is clear *that non-intervention is all that will be required by the South.* Webster's speech is to be the basis of the compromise;—it is lauded to the echo by distinguished Southern men;—and what is it? Non-intervention, *& non-intervention simply because the Wilmot Proviso is not required to prevent the curse of Slavery from being inflicted on the territories.* Under these circumstances it would be madness in me to publish my letter & take higher ground for the South than they have taken for themselves. This would be to out-Herod Herod & to be more Southern than the South. It could do no good: but might do much mischief.

The truth is the South have got themselves into a condition on this question from which it appears to me now they cannot extricate themselves. My proposition of the Missouri Compromise was at once abandoned by them: and the cry was non-intervention. They fought the battle at the last Presidential

[1] Buchanan Papers, Historical Society of Pennsylvania.

election with this device upon their banners. The Democracy of Pennsylvania are now everywhere rallying to non-intervention. They suppose, in doing this, they are standing by the South in the manner most acceptable to their Southern brethren. Our Democratic Journals are praising the speech of Webster because all the appearances are that it is satisfactory to the South. It is now too late to change front with any hope of success. You may retreat with honor upon the principle that you can carry your slaves to California & hold them there under the Constitution & refer this question to the Supreme Court of the United States. I am sorry both for your sakes & my own that such is the condition in which you are placed.

*I say for my own sake*, because I can never yield the position which I have deliberately taken in favor of the Missouri Compromise; & I shall be assailed by fanatics & free-soilers, as long as I live, for having gone further in support of the rights of the South than Southern Senators & Representatives. I am committed for the Missouri Compromise; *& that committal shall stand.*

Should there be any unexpected change in the aspect of affairs at Washington which would hold out the hope that the publication of my Missouri Compromise letter would do any good, it shall yet be published. I was about to write more; but this letter is long enough.

It may be & doubtless was the fact that in 1819 or 1820 my name was placed on a Committee which reported the resolutions to which that scamp General Cameron refers. I was then a young man—had a great veneration for the chairman of the Committee as my legal preceptor, & probably was under the influence of the excitement then universal in Pennsylvania. I first went to Congress in December, 1821; & throughout my whole public career have been uniform in maintaining the just constitutional rights of the South. I have made more speeches on this subject both on the floor of the Senate & at home than probably any other man now living. One of them I now enclose to you *marked*, which fell into my hands last evening whilst I was looking for other matters.

I wish you would read my speech through on the Veto Power. It is the only one I ever made which fully pleases myself.

From your friend very respectfully

James Buchanan.

Hon: Jefferson Davis.

P. S. Why did not the Southern gentlemen agree upon a common basis of settlement? Please to let me hear from you soon. I am invited *very specially* to a wedding in Washington & probably I may be there for one day on the 9th April. Would to Heaven that General Taylor might come out in favor of the Missouri Compromise! I should glory in sustaining him.

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## FROM MR. KING.[1]

WASHINGTON CITY, March 20, 1850.

MY DEAR SIR:

You will see by the papers of this morning that on yesterday I called the attention of that scamp Hale to the statement he made on the 13 Inst. in the Senate. It was not heard by me at the time it was made, nor do I believe it was by any of your friends on this side of the House: or it would certainly have been contradicted instantaneously. You will perceive that Hale proposes to make good his assertion, but I scarcely think he will attempt it, after having heard your remarks read by Col. Davis, in whose hands I had placed the Congressional Globe for that purpose. I had written thus far when Hale informed me that he had written for information to sustain his statement, and that he felt confident he would be able to do so. Should he attempt it, you may rest assured that no injustice shall be done you, if your Friends in the Senate can prevent it. Col. Davis has shewn me your letters to him. I was before fully aware of the hostile movements of that unprincipled intriguing fellow Simon Cameron. He has long been your enemy; but I trust his entire destitution of all political principle, and I would add in my opinion moral honesty, is too well understood in Pennsylvania to enable him to injure you. I know no man more unfortunate than yourself in having his opinions on this Slavery question tortured and misrepresented, to subserve their selfish purposes. I doubt not you will live them down, and that your patriotic course will in the end be appreciated by the American people.

Your Friend sincerely

WILLIAM R. KING.

HONL. JAMES BUCHANAN.

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## TO MR. KING.[1]

WHEATLAND 20 March 1850.

MY DEAR SIR/

I have this moment received your favor & hasten to make my warm & grateful acknowledgments to Colonel Davis & yourself for the able & judicious manner in which you have defended me.

[1] Buchanan Papers, Historical Society of Pennsylvania.

It seems that Hale has written for information to sustain his statement, which is that I had said "that the natural ally of Slavery in the South was the Democracy of the North." To whom or where has he written? The man who could carry in his pocket the proceedings of a public meeting held more than thirty years ago to prove that I was now opposed to the Missouri Compromise & the admission of any more Slave States into the Union, for the purpose of poisoning the mind of Col: Davis against me, would be capable of going to Mr. Hale, on the other side, & informing him that I had made the declaration imputed to me. That same man can doubtless purchase a certificate from individuals to this effect. He & Senator Cooper are bosom friends,—"two bodies with one soul inspired." His son & Cooper are partners in the practice of the law at Pottsville, & it is through the agency of Cooper that he expects to obtain the united Whig vote in the Legislature of Pennsylvania, which with a few fishy Democrats whom he may seduce will, he hopes, in case our majority should be small, re-elect him to the Senate. I venture to say that should the Collector of Philadelphia be his friend, the patronage will be used & the effort will be untiring to elect Whigs from the County of Philadelphia who will vote for Cameron.

All his efforts will, however, in any event be vain: and General Cass has greatly injured himself in this State by his supposed identification with General Cameron.

But to the point:—every effort will be made to fasten that short sentence upon me for the purpose of injuring me in the North.

I made many speeches both before the Presidential election of 1840 & 1844. In all of them, I believe, without exception, I assailed the abolitionists. This was both just & politic. It was my desire & purpose to keep them down in Pennsylvania. I doubtless did say, more than once, after delineating the dangers to the Union which might result from the accursed spirit of abolition, that the South had no allies throughout the world, save the Northern Democracy, in maintaining their constitutional rights on the question of Slavery. This I believed then & to a very great extent I believe now. The purpose, however, is to prove that I am the advocate of slavery per se: and it is possible that some abolitionists or free soilers who heard one or more of my speeches may certify that I had declared nakedly & without qualification "that the natural ally of Slavery in the

South was the Democracy of the North." If such should be the case, you may pronounce it upon my authority to be a base slander. Who would believe that I could be such a fool, especially before a Northern audience, as to make such an unqualified declaration? No man of sense. But they want to fasten it upon me for the purpose of deceiving the ignorant. *I have no doubt it was a concerted scheme.*

The truth is, I have a letter written, nay printed, on the general subject of Slavery, in which I take strong ground in favor of the Missouri Compromise. It is one of my own few productions which exactly pleases myself. The sole reason why it has not been published is that it might interfere with the settlement of the question by Mr. Foote's committee, which will certainly agree upon non-intervention, if they should be able to agree upon any thing. Besides it would be in direct opposition to the Baltimore platform, the Nicholson letter, General Cass's speech, & the proceedings of the noble Democracy of this State, based upon these foundations. At the present moment, it would do harm; but I think the time will arrive when it may do good. If the question can be settled upon the principle of non-intervention, I say Amen with all my heart. If this should fail, my letter may yet come into play. When I sat down to write, I had a great mind to send you a copy of it; but for the present it is needless.

If the base conduct of Cameron towards myself could be known throughout Pennsylvania, this would floor him. Should the subject ever again come up, if Davis, as an instance of the efforts made by the abolitionists & their friends to prostrate every man in the North who sustained the constitutional rights of the South, would refer to the incident in relation to Cameron, it would have this effect. I do not advise or request this course, however I might wish it, unless Cameron should be implicated with Hale, which I only suspect.

Please to remember me very kindly to Mrs. Ellis & Miss Margaret, & believe me to be your much obliged friend

JAMES BUCHANAN.

HON: WM. R KING

P. S. Please to remember me most kindly & gratefully to Col: Davis: & do not suffer this letter to lie about on your table for the inspection of those who may come into your room. I except Mrs. Ellis & Margaret, who may see any thing I write.

## TO MR. GRUND.[1]

*Private.*

Wheatland 13 April 1850.

My dear Sir,

I observe from the Herald, that Greeley has been assailing Mr. Polk's administration for not having maintained the Monroe Doctrine against European colonization on this continent, which it had asserted in December, 1845, in the first annual message of the President. An assault from this quarter I should not regard, *because I know that time will put all things right;* but I regret to observe that Mr. Bennett seems to agree in opinion with Greeley on this subject. They may say what they will, Bennett is an extraordinary man; and although he was never friendly to the administration of Mr. Polk, he always did justice to our foreign policy. I should be sorry, therefore, if he would fall into error in regard to the Monroe doctrine; and I shall now proceed to give you a few hints to refresh your memory so that you may, if you think proper, at a convenient season, write a letter to the Herald on the subject.

You will recollect that in April, 1846, General Arista commenced the Mexican war by crossing the Rio Grande & invading the territory of Texas; & that on 13 May, 1846, the existence of the war, in consequence of the act of Mexico, was recognized by Congress. Peace was not concluded until the 4 July, 1848, when the Treaty was proclaimed. Now although no prudent administration during the war would voluntarily raise a question with Great Britain on the subject of the Monroe doctrine, it being wise "to be off with the old love before we are on with the new," yet it so happens that this doctrine was twice asserted in the face of Great Britain during this perilous period & with the happiest effects.

It is known to the whole world, with what a longing desire Great Britain viewed California & especially the harbor of San Francisco. It is one of those commercial points which it has been her policy to appropriate to herself, per fas aut nefas. Her feelings in favor of Mexico were openly expressed during the war; and it was believed, in case we should fail in conquering California, that she would obtain possession of it from Mexico. It, therefore, became necessary to apprise her clearly in advance,

[1] Buchanan Papers, Historical Society of Pennsylvania.

so far as the Executive Government was concerned, that this could only be accomplished at the expense of a war with the United States. Mr. Polk, therefore, in his message of December, 1847, whilst the war was raging, declares, "That should any foreign Government attempt to possess it (California) as a colony, or attempt to incorporate it with itself, the principle avowed by President Monroe in 1824, & reaffirmed in my first annual message, *that no foreign power shall, with our consent, be permitted to plant or establish any new colony or dominion on any part of the North American Continent, must be maintained.* In maintaining this principle & resisting its invasion by any foreign power, we might be involved in other wars more expensive & more difficult than that in which we are now engaged."

Again:—A second occasion arose during the war for asserting this principle in the face of Great Britain.

You will recollect that a terrible war, a war of extermination, was raging between the Indians & the whites of Yucatan: & that the latter made a powerful & pathetic appeal to the Government of the United States to save them from destruction. We had been informed that the British authorities at Belize, in the colony of British Honduras, had been furnishing the savages with arms; & that the eventual object of the British Government most probably was to establish a protectorate over the Indians along the coast of Yucatan as they had done along the Mosquito shore. But such was the dreadful condition of Yucatan that she offered to either the United States, Great Britain, or Spain the "dominion & sovereignty of the peninsula" as the price of defending it against the Indians. In answer to the appeal of the commissioners from Yucatan, Mr. Polk sent a message to Congress on the 29 April, 1848 (Executive Doc. of the 1st Session of 30th Congress, No. 40—Congressional Globe, page 709). In this he declares: "Whilst it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the 'dominion & sovereignty' over Yucatan; yet according to our established policy, we could not consent to a transfer of this 'dominion & sovereignty,' either to Spain, Great Britain, or any other European Power." In the language of President Monroe, in his message of December, 1823, "We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace & safety," &c. &c. &c. Again: "Our own security requires that the established policy

thus announced should guide our conduct, & this applies with great force to the Peninsula of Yucatan," &c. &c. &c. Again: "We have now authentic information that, if the aid asked from the United States be not granted, such aid will probably be obtained from some European power, which may hereafter assert a claim to 'dominion & sovereignty' over Yucatan," &c. &c.

The concluding sentence of the message, all of which I hope you will read, is as follows: "I have considered it proper to communicate the information contained in the accompanying correspondence, & I submit to the wisdom of Congress to adopt such measures as in their judgment may be expedient, *to prevent Yucatan from becoming a colony of any European power, which in no event could be permitted by the United States;* and, at the same time, to rescue the white race from extermination or expulsion from their country."

Then comes the Protectorate assumed by Great Britain over the King of the Mosquitos. Concerning this I cannot give you specific information, because the documents have not yet been published. Great Britain had assumed this protectorate for many years before the commencement of the late administration, though she had not actually attempted to plant any colony on the Mosquito shore. What madness would it then have been for us to raise a quarrel with her, whilst the Mexican war was raging, concerning this protectorate! Besides, we could have accomplished nothing. Mexico was situated between us & the Isthmus: & we could not have reached it by sea. Wisdom & policy required that we should wait for a more convenient season.

But above all it was necessary to wait until the States of the Isthmus were united & willing themselves to resist British Colonization, before we should come to their assistance.

The Federation of the Centre of America had been rudely broken up. The five petty states of which it had been composed were each independent of the other: & such scenes of distraction, civil war, & incessant change of rulers as existed in each of them have probably never heretofore been exhibited on a small scale on the face of the earth. One of them, Costa Rica, had even offered to go under the protection of Great Britain: & I have no doubt this offer would have been gladly accepted, but for the determination which Mr. Polk's administration had always evinced to resist European Colonization on this continent.

The Mosquito Shore over which Great Britain claimed

the protectorate extended along the whole of the seacoast from Cape Honduras to Escuda de Veragua, thus excluding from the Caribbean sea that part of Honduras south of Cape Honduras, & the entire states of Nicaragua & Costa Rica, as well as the New Granadian State of Veragua.

The British Colony of Belize or British Honduras, more properly called British Yucatan, was within about two hundred miles of the so called Mosquito shore; and the States of Central America were so feeble & distracted as to invite the aggressions of Great Britain.

Under such circumstances what was the first duty of the American Government, especially whilst engaged in a war requiring all its resources? Most unquestionably to endeavor to reunite the five Central American States in opposition to British colonization on their coast, to convince them of their danger, & to suppress, if possible, their intestine wars & revolutions, which would make them an easy prey to the first invaders. After the capture & occupation of the city of San Juan de Nicaragua by the British, which took place some time in February, 1848, this duty would still become more imperative. But these States must first be willing to unite and help themselves before calling upon Hercules for assistance: and if Hercules did all he could to place them in this position, he performed his preliminary duty. What the Government actually did I am not at liberty to disclose. So much as was done publickly is of course known to the whole world.

Mr. Polk, in his annual message of December, 1847, after solemnly reasserting the Monroe doctrine, recommended the establishment of a new mission to Guatemala, by far the most populous & powerful of the five Central American States. The necessary appropriation was made on the 27 March, 1848; and Elijah Hise was appointed Chargé d'affaires early in April. He was not able to leave the United States until the beginning of June: & what instructions he bore with him will be found in the State Department, as well as those communicated to Mr. Bancroft. It would be improper for me to speak of them to any person.

Mr. Hise, on account of sickness & accidents, was necessarily but unfortunately so long detained on the way to Central America that no despatch was received from him after he had reached the place of his destination until Mr. Polk's administration had ceased to exist. This was a cause of severe mortifica-

tion to us all: & necessarily prevented Mr. Polk from laying the whole subject before Congress.

The last administration have given so many proofs of their devotion to the Monroe doctrine that it is now too late in the day to dispute it: & they were never afraid, upon any proper occasion, to avow it to the world. They twice did so, in the face of Great Britain, whilst the Mexican war was raging; although they well knew how hostile the Government of that Country was to us in this war & how friendly to Mexico.

Now, my dear Sir, I have furnished you the material to write a letter upon this subject which will be historical. With your well known ability, you can put this question to rest. It is not necessary that it should appear immediately. You can take your time for it; if you should think proper to write at all. If not, you will at least have a knowledge of the facts which may be useful in future. Forney has so completely exposed the ignorance of Greeley both of history and geography in regard to Belize that I need say nothing on this subject. I send you the extract from the Pennsylvanian.

I hope that the next time you visit Philadelphia you will be able to stop a day with me on the road either in going or returning. I shall give you a cordial welcome.

Yours very respectfully,

JAMES BUCHANAN.

FRANCIS J. GRUND, ESQ.

P. S. It would probably be best not to attack Greeley but make the letter purely historical.

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## FROM MR. KING.[1]

WASHINGTON CITY, May 8, 1850.

DEAR BUCHANAN

The strictures contained in your letter upon the Treaty lately entered into with Sir Henry Bulwer, as you suppose it to be, satisfy me that you & myself shall not coincur in our views of the propriety of the Treaty as it actually is. In the first place, I am decidedly opposed to any further acquisition of Territory at this time in any quarter, and I never expect to live to see the day when I shall be willing to have any portion of Central America annexed to our Government. Its remote situation and degraded mongrel population would involve us in constant difficulties, without bringing any

[1] Buchanan Papers, Historical Society of Pennsylvania.

adequate remuneration. Our Territory is even now too extensive, I fear, for the harmonious working of our system, and after witnessing the results produced by our recent acquisitions on the Pacific, I am free to declare that I regret most sincerely that it was ever dismembered from Mexico. What are its gold mines and its commerce, when weighed in the balance against the embittered strife of section against section, consequent upon its acquisition; & which, if it does not lead to a violent sundering of the bonds of union, will, I much fear, so sap the foundation upon which the Union rests, as to render its duration next to impossible. Hence I repeat, with our present experience it is as I conceive hazardous in the extreme to add to our already immense Territory. With these views, I saw no objection to entering into a Treaty stipulation not to occupy or colonise any portion of Central America, when by so doing we are practically enforcing the Monroe doctrine, by requiring of England the abandonment of her claim to the protectorate of the King of the Musquitoes, and a solemn stipulation that under no pretext whatever will she occupy, fortify, colonise, or exercise any right of ownership over any part of Central America. Great Britain had notoriously taken possession in the name of the Musquito King of a large portion of Nicaragua, and by arrangements with Costa Rica was extending her protecting arm over nearly one half of Central America. This encroachment we felt bound to resist,—first in accordance with the principle laid down by Monroe; and secondly because such possession would place it out of our power to construct a Canal across the Isthmus, so as to give to us an easy communication with our possessions on the Pacific. Which was best? To effect these objects by pacific means, or by war? For all seemed to agree that her removal must be effected, even by a resort to arms. Now I am as you know a man of peace, and always disposed to adopt the most gentle course to effect an object however desirable. The Treaty as I conceive accomplishes all that we ought to desire, while it strengthens the position we have heretofore taken, and avowed to the world. I may be mistaken in the views I have expressed; but if so, four fifths of the Democratic Senators whom I consulted before the signature of the Treaty were equally in error. The Committee of thirteen reported this day; and on the proposition to print the report a debate sprung up, which showed any thing rather than a spirit of compromise. I will send you the report when printed, and should like to have your views on the various points it discusses. My great objection applies to the admission of California with her present limits,—without a relinquishment of her right to tax the public lands, or to impose tolls on her navigable streams; but above all, her admission with two members of Congress, no enumeration having been taken to show the number of inhabitants. I am forced to the conclusion that it is in violation of the Constitution; and that she had just as much right to send a dozen members as two. I should be glad if you would give me your opinion on this point; for I earnestly desire to support the proposed adjustment of this distracting question, if I can. Mrs. Ellis tenders you her best respects

Your Friend &c.

William R. King.

Hon'l. J. Buchanan.

## TO MR. KING.[1]

Wheatland, near Lancaster, 13 May 1850.

My dear Sir/

I have received your favor of the 8th Instant, & regret that for the first time we differ radically upon a question which I deem of such vast importance as the Nicaragua Treaty. If it were stripped of all stipulations except those relating immediately to the Canal, I would not enter into any Treaty engagement with England even on this single point. The question was well & carefully considered by Mr. Polk's cabinet, at the time of the New Granada Treaty, & we determined that whilst we would use our good offices, if necessary, to prevail upon Great Britain to enter into a similar Treaty to our own with New Granada, we would not ourselves become a party to any Treaty whatever with G. B. relating to or connected with territory on any part of this North American continent. But this is a very small affair compared with the right which has been assumed by Great Britain & yielded by us to limit our progress on this continent *throughout all future time*. But as you are already committed, I shall say no more on the subject & would not have written to you at all, had I known you had consulted the Democratic Senators upon the Treaty before its signature & obtained their consent to it in advance. This shews the great influence of your opinions,—an influence which I consider well deserved & eminently beneficial. You have, however, in my humble opinion, missed fire on this occasion.

You ask my opinion on the compromise reported by the Committee of thirteen. On this subject you are far better qualified to judge than myself. I have always believed that the real difference in practical effect between non-intervention & the Wilmot Proviso was that between tweedledum & tweedledee. Non-Intervention however saves the feelings of the South & enables them to triumph over the free soilers. I was convinced that in equity & justice the South ought to have a fair proportion of the new territories, & I have, therefore, ever been & still am an advocate of the Missouri Compromise.

But what is now the state of affairs? Our friend Foote, from the commencement of the Session, has been urging the appointment of the Committee. The avowed object was to

[1] Buchanan Papers, Historical Society of Pennsylvania.

obtain just such a report as has been made. Non-Intervention—the Nicholson letter, has been the cry from the South. The speeches made in favor of this policy have been lauded to the echo by Southern men & the Southern press. In this state of things, the Democracy of the North have moved in favor of what they believed & had a right to believe to be the Southern platform. The Missouri Compromise—any interference with slavery in the territories on the part of Congress was denounced as unconstitutional both by Messrs. Calhoun & Cass, for opposite reasons to be sure, but they united in the same result. It is now too late, I honestly believe, to induce the Democracy of the North to remove from the platform on which they stand. Had the South, at the commencement of the Session, gone for the Missouri Compromise through to the Pacific, the Democracy, at least in Pennsylvania, would have as freely sustained this measure as they have done Non-Intervention. The Whig party in Pennsylvania will go for Old Zach's platform of Non-Intervention. Neither Clay nor Webster has much influence with them. And what is the difference between the President's non-intervention & our non-intervention? Only this. The President will not provide even a territorial Government, whilst we propose to do this; but so far as regards Slavery, the two plans are precisely the same.

The South occupy a much weaker position in the North than they did three months ago. The project of the Nashville Convention, by exhibiting such a division of opinion in the South, has quieted in a considerable degree the apprehensions of the North in regard to disunion.

California is greatly too large for a single State; & no person would have thought of admitting her as such, had it not been for the Slavery question. Her sea coast embraces as many degrees of latitude as that of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, & North Carolina. Now what would be thought on this side of the Rocky Mountains of a State of such dimensions? California thus constituted would be an empire in herself. She may soon determine to become independent. The best security for her continuance in the Union is to divide her territory into two or more States, of a convenient size, & thus create rival interests on the Pacific, which will render each portion more dependent upon the Federal Government. But perhaps a Southern man ought to reflect, that every State which shall be carved out of

California will eventually be a free State. Still, if I were a member of the Senate, I would vote for & strenuously support Clemen's amendment running the Missouri Compromise through California as well as through the territories. I should do this especially in regard to the latter, if I were a Southern man; because the doctrine of non-intervention will be unsatisfactory & unpopular in the South within a brief period after it shall have been adopted. But above all, & first of all, at the expense of my political existence, I would adopt such a course as would preserve & harmonize the Union.

On the point which you specially present,—that of California having sent two members to the House of Representatives, without any previous enumeration of her inhabitants,—I have not formed any decided opinion. This difficulty might be removed by allowing her but one representative.

I have written you a long letter, with which I am not pleased myself; but shall send it for what it may be worth. I should be very glad indeed to see you: & still more so, if you would bring Mrs. Ellis along. My niece is here, & if she will come I shall send for Mrs. Plitt. I hope she is more comfortably lodged & in better health than she was. Miss King I presume has left you, as you do not mention her in your last. The best letter which I have ever written,—that on the Slave question & in favor of the Missouri Compromise,—will now probably never see the light.

Ever your friend

JAMES BUCHANAN.

HON: WM. R. KING.

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## TO MR. FOOTE.[1]

*Private.*

WHEATLAND, near LANCASTER, 31 May 1850.

MY DEAR SIR/

I have received yours of the 26th Instant, & most deeply regret that I cannot comply with your request; & this simply because I could not in conscience write such a letter as would promote the object you have in view. There is no man in the United States more anxious than myself to see the Slavery

[1] Buchanan Papers, Historical Society of Pennsylvania.

question finally settled in a satisfactory manner both to the North & the South; and surely no honest Northern man, however much he may be opposed to the extension of Slavery, could reasonably expect better terms than those proposed by the Committee of thirteen. If these terms should prove satisfactory to the South, I say Amen, with all my heart. But how stands the fact?

The North support the Bill, because they are convinced that the Mexican Constitution & laws abolishing slavery remain in force in the Territories & are a sufficient Wilmot Proviso to exclude slavery from them.

On the other hand, you & other Southern gentlemen support the Bill, because you are convinced that the Constitution of the United States has abolished the Mexican Constitution & laws, & that you can take your slaves to the territories & hold them there beyond human control, until State Governments shall be formed.

Well, the Bill becomes a law, and what then? Southern emigrants take their Slaves to the territories, & there they are at once met by emigrants from the North who conscientiously believe these Slaves to be free. They encourage them to leave the service of their masters, & there is no law in existence, whatever the right may be, (& the territorial Legislature is prohibited from passing such a law) to retain them in service until the decision of the Supreme Court shall be known.

Under such circumstances, what will most probably be the result? The controversy which has hitherto agitated the Country will for a season be transferred to the territories, to be brought back again amongst us from thence, with quite as bitter acrimony as exists at present.

It strikes me, therefore, with more convincing force than it has ever done, that in this state of hostile opinions between the North & the South, the division of the territories by the Missouri Texas Compromise line is by far the best mode of finally settling the question.

You may ask, do I expect the Missouri Compromise to succeed? I fear not. If the South had, with any degree of unanimity, sustained it from the beginning, it would have succeeded as easily as the non-intervention policy. After, however, the Democracy, both North & South, throughout the late Presidential campaign, have had this policy inscribed upon their banners, it is probably too late for them to change their position in front of our watchful & skilful foe. If the time should arrive

when this shall be demonstrated, my position may then be different. As a retired politician, who may never be, & most probably will never be, again in public life, I desire, at least for the present, to take no part between political friends on the territorial question, always exerting my best efforts against the common enemy & their combined forces of abolitionists, Whig free soilers, & free soilers proper.

Again: without reference to the Slavery question, I confess I am in favor of building up & consolidating one grand Republic of confederated States extending from the Atlantic to the Pacific. Nay more, I had even looked forward to the time when our limits would be peacefully extended over all North America, until your recent Nicaragua Treaty rendered this impossible without a war with Great Britain. With these aspirations, I firmly believe that the best means of preserving California permanently to the Union is to create rival interests there by the formation of two States, which shall each feel its dependence upon the Federal Government, the one having its principal port at San Francisco & the other at San Diego. I very much fear that a single State on the Pacific embracing a sea coast of as many degrees of latitude on that ocean as belongs on the Atlantic to Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, & North Carolina, with all its immense mineral, commercial, &, I believe, agricultural advantages, would soon begin to think seriously of independence. The Senate probably do not attach so much importance as I do to our ultramontane possessions. If they had done so, they would, whilst surrendering to Great Britain by the late Nicaragua Treaty the power to arrest our progress on this Continent with the virtual control of all Central America, & whilst acknowledging her right to the protectorate of the Mosquitos, have insisted upon securing a free communication by the Canal from our Atlantic to our Pacific ports, & so vice versa, *in war as well as in peace.*

If you will weigh all these circumstances, I am convinced that, as my good friend, you would not ask me at the present moment, contrary to my own judgment, to abandon the platform of the Missouri Compromise on which I have so long stood, & thus give offence to many individuals who doubtless expect me to remain there whilst there is any hope of success.

I have thus written more freely to you upon the subject than I have ever done to any human being, because I value your friendship so highly that I would not have you believe I could

deny any request of yours, except from an imperative sense of duty.

From your friend very respectfully

JAMES BUCHANAN.

HON: HENRY S. FOOTE.

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## TO MISS LANE.[1]

BEDFORD SPRINGS 4 August 1850.

MY DEAR HARRIET/

I received your letter yesterday & was rejoiced to hear from home, especially of Mr. Baer's visit to Miss Hetty, which, I know, must have rendered her very happy. I hope he will do better than Mr. Evans or Mr. Hiester.

I have found Bedford pleasant, as I always do; but we have had very few of the old set, & the new are not equal to them. I will not tell you how many inquiries have been made for you, lest this might make you vainer than you are, which to say the least is unnecessary.

I intend, God willing, to leave here to-morrow morning. Six of us have taken an Extra to Chambersburg:—Mr. Witmer & his daughter, Mrs. & Miss Bridges, Mr. Reigart, & myself. I shall leave them at London, as I purpose & hope to be at home on Thursday, Friday, or Saturday next, I know not which.[2]

* * * * * * * * * *

Remember me affectionately to Mrs. Dunham & Miss Hetty, & believe me to be yours, "with the highest consideration."

JAMES BUCHANAN.

MISS HARRIET LANE.

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## TO MISS LANE.[3]

WHEATLAND 12th October 1850.

MY DEAR HARRIET/

Mr. M'Elvain of Philadelphia, with whom I had contracted to put up a furnace & kitchen range this week, has disappointed

[1] Buchanan Papers, private collection; Curtis's Buchanan, II. 16.

[2] A paragraph relating to a personal matter is here omitted.

[3] Buchanan Papers, private collection. Extracts printed in Curtis's Buchanan, II. 16.

me; & I cannot leave home until this work shall be finished. He writes me that he will certainly commence on Monday morning; & if so, I hope to be in New York the beginning of the week after, say about the 22d Instant.

You ask what about your staying at Mrs. Bancroft's? With this I should be very much pleased; but it seems from your letter that she did not ask you to do so. She wished "to see a great deal" of you when you came to New York, implying that you were not to stay with her all the time. If she has since given you an invitation, *accept it.*

Could I have anticipated that you would not pass some time at Governor Marcy's, I should have arranged this matter by writing to Mr. Bancroft. It is now too late.

I may probably pass a few days at the Astor House in New York; but I may have to see so many politicians, that I should have but little time to devote to you. I desire very much to reach New York before the departure of Mr. Slidell, which will be on the 26th Instant.

I shall be very glad if Clem. Pleasonton should accompany you home; though the leaves are beginning to change color & to fall.

I have received a letter from Mary Dunham. From it, I doubt whether she will leave Jessie until the spring. Without her, she does not perceive how Jessie can get along at housekeeping this winter. Mary is much pleased with Washington. Many of the ladies have called upon her,—a contrast with Lancaster. Ere this I presume she has heard from her husband, as I forwarded a letter to her postmarked at Stockton, California.

Professor Muhlenberg, having been appointed a professor in Pennsylvania College (Gettysburg), has ceased to teach school, & James Henry left for Princeton on Thursday last.

We have no local news, at least I know of none that would interest you. I think we shall have very agreeable neighbours in the Gonders at Abbeville. Please to remember me very kindly to Mr. & Mrs. Robinson & give my love to Rose.

Yours affectionately

JAMES BUCHANAN.

MISS HARRIET LANE.

## LETTER TO A PUBLIC MEETING.

WHEATLAND, near LANCASTER, Nov. 19, 1850.

GENTLEMEN—I have been honored by the receipt of your very kind invitation, "in behalf of the friends of the Constitution and the Union, without distinction of party, resident in the City and County of Philadelphia," to attend a public meeting, to be held on the 21st instant, at the Chinese Museum. I regret that engagements, which I need not specify, will deprive me of the pleasure and the privilege of uniting with the great, patriotic, and enlightened community of your City and County in manifesting their attachment for the Constitution and the Union, in the present alarming crisis in our public affairs.

On a recent occasion, at the celebration of the opening of the Eastern portion of our great Central Rail Road from Philadelphia to Pittsburg, I said that the cordial support of that magnificent improvement was a platform on which all Pennsylvanians, of every political denomination, could stand together in harmony. The sentiment elicited an enthusiastic response from all present, whether Democrats or Whigs. I now say that the platform of our blessed Union is strong enough and broad enough to sustain all true hearted Americans. It is an elevated, a glorious platform, on which the down-trodden nations of the earth gaze with hope and desire, with admiration and astonishment. Our Union is the Star in the West, whose genial and steadily increasing influence will, at last, should we remain a united people, dispel the gloom of despotism from the ancient nations of the world. Its moral power will prove to be more potent than millions of armed mercenaries. And shall this glorious star set in darkness before it has accomplished half its mission? Heaven forbid! Let us all exclaim, with the heroic Jackson, "The Union must and shall be preserved."

And what a Union this has been! The history of the human race presents no parallel to it. The bit of striped bunting which was to be swiftly swept from the ocean, by the British Navy, according to the prediction of a British statesman previous to the war of 1812, is now displayed in every sea and in every port of the habitable globe. Our glorious stars and stripes, the

[1] Reprinted from the *North American and Gazette*, Supplement, Philadelphia, Friday morning, Nov. 22, 1850, now in the rooms of the Historical Society of Pennsylvania. Extracts printed in Curtis's Buchanan, II. 11–15; Horton's Buchanan, 375–382.

flag of our country, now protects Americans in every clime. "I am a Roman citizen!" was once the proud exclamation which everywhere shielded an ancient Roman from insult and injustice. "I am an American citizen!" is now an exclamation of almost equal potency, throughout the civilized world. This is a tribute due to the power and the resources of these thirty-one United States. In a just cause we may defy the world in arms. We have lately presented a spectacle which has astonished even the greatest Captain of the age. At the call of their country an irresistible host of armed men, and men, too, skilled in the use of arms, sprang up like the soldiers of Cadmus, from the mountains and valleys of our great confederacy. The struggle among them was not who should remain at home, but who should enjoy the privilege of braving the dangers and the privations of a foreign war in defence of their country's rights. Heaven forbid that the question of slavery should ever prove to be the stone thrown into their midst by Cadmus, to make them turn their arms against each other, and perish in mutual conflict!

Whilst our power as a united people secures us against the injustice and assaults of foreign enemies, what has been our condition at home? Here every citizen stands erect in the proud proportions bestowed upon him by his Maker, and feels himself equal to his fellow man. He is protected by a government of just laws in the enjoyment of life, liberty, and property. He sits down under his own vine and his own fig tree, and there is none to make him afraid. A vast confederacy, composed of thirty-one sovereign and independent States, is open before him, in which he feels himself to be everywhere at home, and may anywhere throughout its extended limits seek his own prosperity and happiness in his own way. The most perfect freedom of intercourse prevails among all the States.

Here the blessings of free trade have been realized under the Constitution of the United States, and by the consent of all, to a greater extent than the world has ever witnessed. Our domestic tonnage and capital employed in this trade exceed, beyond all comparison, that employed in our trade with all the rest of the world. The mariner of Maine, after braving the dangers of the passage around Cape Horn, finds himself at home in his own country, when entering the distant port of San Francisco, on the other side of the world.

Heaven seems to have bound these States together by adamantine bonds of powerful interest. They are mutually

dependent on each other—mutually necessary to each other's welfare. The numerous and powerful commonwealths which are spread over the valley of the Mississippi must seek the markets of the world for their productions, through the mouth of that father of rivers. A strong naval power is necessary to keep this channel always free in time of war; and an immense commercial marine is required to carry their productions to the markets of the world, and bring back their returns. The same remark applies with almost equal force to the cotton growing and planting States on the Gulf of Mexico and on the Atlantic. Who is to supply this naval power and this commercial marine? The hardy and enterprising sons of the North, whose home has always been on the mountain wave. Neither the pursuits nor the habits of the people of the Western and the Southern States fit them for such an employment. They are naturally the producers, whilst the Northern people are the carriers. This establishes a mutual and profitable dependence upon each other, which is one of the strongest bonds of our Union.

The common sufferings and common glories of the past, the prosperity of the present, and the brilliant hopes of the future, must impress every patriotic heart with deep love and devotion for the Union. Who that is now a citizen of this vast Republic, extending from the St. Lawrence to the Rio Grande, and from the Atlantic to the Pacific, does not shudder at the idea of being transformed into a citizen of one of its broken, jealous, and hostile fragments? What patriot would not rather shed the last drop of his blood than see the thirty-one brilliant stars which now float proudly upon our country's flag, amid the battle and the breeze, rudely torn from the national banner, and scattered in confusion over the face of the earth?

Rest assured that all the patriotic emotions of every true-hearted Pennsylvanian, in favor of the Union and the Constitution, are shared by the Southern people. What battle-field has not been illustrated by their gallant deeds; and when, in our history, have they ever shrunk from sacrifices and sufferings in the cause of their country? What then means the muttering thunder which we hear from the South? The signs of the times are truly portentous. Whilst many in the South openly advocate the cause of secession and disunion, a large majority, as I firmly believe, still fondly cling to the Union, awaiting with deep anxiety the action of the North on the Compromise lately

effected in Congress. Should this be disregarded and nullified by the citizens of the North, the Southern people may become united, and then farewell, a long farewell, to our blessed Union. I am no alarmist; but a brave and wise man looks danger steadily in the face. This is the best means of avoiding it. I am deeply impressed with the conviction that the North neither sufficiently understands nor appreciates the danger. For my own part, I have been steadily watching its approach for the last fifteen years. During that period I have often sounded the alarm; but my feeble warnings have been disregarded. I now solemnly declare, as the deliberate conviction of my judgment, that two things are necessary to preserve this Union from the most imminent danger:—

1. Agitation in the North on the subject of Southern slavery must be rebuked and put down by a strong, energetic, and enlightened public opinion.

2. The Fugitive Slave Law must be executed in its letter and in its spirit.

On each of these points I shall offer a few observations.

Those are greatly mistaken who suppose that the tempest which is now raging in the South has been raised solely by the acts or omissions of the present Congress. The minds of the Southern people have been gradually prepared for this explosion by the events of the last fifteen years. Much and devotedly as they love the Union, many of them are now taught to believe that the peace of their own firesides, and the security of their families, cannot be preserved without separation from us. The crusade of the abolitionists against their domestic peace and security commenced in 1835. General Jackson, in his annual message to Congress, in December of that year, speaks of it in the following emphatic language: "I must also invite your attention to the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals, addressed to the passions of the slaves, in prints and various sorts of publications, calculated to stimulate them to insurrection, and produce all the horrors of a servile war."

From that period the agitation in the North against Southern slavery has been incessant, by means of the Press, of State Legislatures, State and County Conventions, Abolition Lectures, and every other method which fanatics and demagogues could devise. The time of Congress has been wasted in violent harangues on the subject of slavery. Inflammatory appeals have

been sent forth from this central point throughout the country, the inevitable effect of which has been to create geographical parties, so much dreaded by the Father of his Country, and to estrange the Northern and Southern divisions of the Union from each other.

Before the Wilmot Proviso was interposed, the abolition of slavery in the District of Columbia had been the chief theme of agitation. Petitions for this purpose, by thousands, from men, women, and children, poured into Congress session after session. The rights and the wishes of the owners of slaves within the District were boldly disregarded. Slavery was denounced as a national sin and a national disgrace, which the laws of God and the laws of man ought to abolish, cost what it might. It mattered not to the fanatics that the abolition of slavery in the District would convert it into a citadel in the midst of two slaveholding States, from which the abolitionists could securely scatter arrows, firebrands, and death all around. It mattered not to them that the abolition of slavery in the District would be a violation of the spirit of the Constitution and of the implied faith pledged to Maryland and Virginia, because the whole world knows that those States would never have ceded it to the Union, had they imagined it could ever be converted by Congress into a place from which their domestic peace and security might be assailed by fanatics and abolitionists. Nay, the abolitionists went even still further. They agitated for the purpose of abolishing slavery in the forts, arsenals, and navy yards which the Southern States had ceded to the Union, under the Constitution, for the protection and defence of the country.

Thus stood the question when the Wilmot Proviso was interposed, to add fuel to the flame, and to excite the Southern people to madness.

President Polk was anxious to bring the war with Mexico to an honorable conclusion with the least possible delay. He deemed it highly probable that an appropriation by Congress of $2,000,000, to be paid to the Mexican Government immediately after the conclusion of peace, might essentially aid him in accomplishing this desirable object. He sent a message to this effect to Congress in August, 1846; and whilst the bill granting the appropriation was pending before the house, Mr. Wilmot offered his favorite proviso as an amendment, which was carried by a majority of nineteen votes. This amendment, had it even been proper in itself, was out of time and out of place; because

it had not then been ascertained whether we should acquire any territory from Mexico; and in point of fact, the Treaty of Peace was not concluded until eighteen months thereafter. Besides, this Proviso, by defeating the appropriation, was calculated, though I cannot believe it was intended, to prolong the war.

The Wilmot Proviso, until near the termination of the last session of Congress, defeated every attempt to form territorial governments for our Mexican acquisitions. Had such governments been established at the proper time, California would have changed her territorial into a State government, and would have come into the Union as naturally as a young man enters upon his civil rights at the age of twenty-one, producing scarcely a ripple upon the surface of public opinion.

What consequences have resulted from the Proviso? It placed the two divisions of the Union in hostile array. The people of each, instead of considering the people of the other as brethren, began to view each other as deadly enemies. Whilst Northern Legislatures were passing resolutions instructing their Senators and requesting their Representatives to vote for the Wilmot Proviso, and for laws to abolish slavery in the District of Columbia, Southern Legislatures and Conventions, prompted and sustained by the indignant and united voice of the Southern people, were passing resolutions pledging themselves to measures of resistance. The spirit of fanaticism was in the ascendant. To such a height had it mounted, that a bill introduced into the House of Representatives, by Mr. Giddings, during the last session of the last Congress, authorizing the slaves in the District of Columbia to vote on the question whether they themselves should be freemen, was defeated on the motion of my friend Mr. Brodhead, of this State, by the slender majority of only twenty-six votes.

Thus stood the question when the present Congress assembled. That body at first presented the appearance of a Polish diet, divided into hostile parties, rather than that of the Representatives of a great and united people, assembled in the land of Washington, Jefferson, and Jackson, to consult and act together as brethren in promoting the common good of the whole Republic.

It would be the extreme of dangerous infatuation to suppose that the Union was not then in serious danger. Had the Wilmot Proviso become a law, or had slavery been abolished in the District of Columbia, nothing short of a special interposition of

Divine Providence could have prevented the secession of most, if not all, of the slaveholding States.

It was from this great and glorious old Commonwealth, rightly denominated the "Keystone of the Arch," that the first ray of light emanated to dispel the gloom. She is not conscious of her own power. She stands as the talisman [daysman?] between the North and the South, and can lay her hand on either party, and say, thus far shalt thou go, and no farther. The wisdom, moderation, and firmness of her people calculate her eminently to act as the just and equitable umpire between the extremes.

It was the vote in our State House of Representatives, refusing to consider the instructing resolutions in favor of the Wilmot Proviso, which first cheered the hearts of every patriot in the land. This was speedily followed by a vote of the House of Representatives at Washington, nailing the Wilmot Proviso itself to the table. And here I ought not to forget the great meeting held in Philadelphia on the birthday of the Father of his Country, in favor of the Union, which gave a happy and irresistible impulse to public opinion throughout the State, and I may add throughout the Union.

The honor of the South has been saved by the Compromise. The Wilmot Proviso is forever dead, and slavery will never be abolished in the District of Columbia whilst it continues to exist in Maryland. The receding storm in the South still continues to dash with violence, but it will gradually subside, should agitation cease in the North. All that is necessary for us to do is to execute the Fugitive Slave Law, and to let the Southern people alone, suffering them to manage their own domestic concerns in their own way. A Virginia farmer once asked me, if there were two neighbors living together, what would I think if one of them should be eternally interfering in the domestic concerns of the other? Could they possibly live together in peace?

Without reference to the harmony and safety of the Union, what a blessing would this policy of non-interference be, not only to the slaves and the free negroes, but even to the cause of constitutional emancipation itself!

Since the agitation commenced, the slave has been deprived of many privileges which he formerly enjoyed, because of the stern necessity thus imposed upon the master to provide for his personal safety and that of his family.

The free negro, for the same overruling reason, is threatened with expulsion from the land of his nativity in the South; and there are strong indications in several of the Northern States that they will refuse to afford him an asylum.

The cause of emancipation itself has greatly suffered by the agitation. If left to its constitutional and natural course, laws ere this would most probably have existed for the gradual abolition of slavery in the States of Maryland, Virginia, Kentucky, and Missouri. The current of public opinion was running strongly in that direction before the abolition excitement commenced, especially in Virginia. There is a measure having directly in view the gradual abolition of slavery, offered too by the grandson of Thomas Jefferson, [that] came within one vote, if my memory serves me, of passing the House of Delegates. Throughout Virginia, as well as in the other three States which I have mentioned, there was then a powerful, influential, and growing party in favor of gradual emancipation, cheered on to exertion by the brightest hopes of success. What has now become of this party? It is gone. It is numbered with the things that have been. The interference of Northern fanatics with the institution of slavery in the South has so excited and exasperated the people, that there is no man in that region now bold enough to utter a sentiment in favor of gradual emancipation. The efforts of the abolitionists have long, very long postponed the day of emancipation in these States. Throughout the grain growing slave States, powerful causes were in operation which must before many years have produced gradual emancipation. These have been counteracted by the violence and folly of the abolitionists. They have done infinite mischief. They have not only brought the Union into imminent peril, but they have inflicted the greatest evils both on the slave and on the free negro, the avowed objects of their regard.

Let me then call upon your powerful and influential meeting, as they value the union of these States, the greatest political blessing ever conferred by a bountiful Providence upon man; as they value the well being of the slave and free negro; as they value even the cause of regular and constitutional emancipation, to exert all their energies to put down the long continued agitation in the North against slavery in the South. Is it unreasonable that the South should make this demand? The agitation has reached such a height that the Southern people feel their personal security to be involved. It has filled the minds of the slaves

with vague notions of emancipation, and, in the language of General Jackson, threatens "to stimulate them to insurrection and produce all the horrors of a servile war." Although any such attempt on their part would be easily and speedily suppressed, yet what horrors might not in the meantime be perpetrated! Many a mother now retires to rest at night under dreadful apprehensions of what may befall herself and family before the morning. Self preservation is the first instinct of nature; and, therefore, any state of society in which the sword of Damocles is all the time suspended over the heads of the people, must, at last, become intolerable.

To judge correctly of our relative duties towards the people of the South, we ought to place ourselves in their position, and do unto them as we would they should do unto us under similar circumstances. This is the golden rule. It was under its benign influence that our Constitution of mutual compromise and concession was framed, and by the same spirit alone can it be maintained. Do the people of the North act in this Christian spirit, whilst stigmatizing their brethren of the South with the harshest epithets and imputing to them a high degree of moral guilt, because slavery has been entailed upon them by their forefathers; and this, too, with a knowledge that the consequences of these assaults must be to place in peril their personal safety and that of all they hold most dear on earth? I repeat that this constant agitation must be arrested by the firm determination and resolute action of the vast majority of the people of the North, who are known to disapprove it, or the sacrifice of our glorious Union may and probably will be at last the consequence.

2. I shall now proceed to present to you some views upon the subject of the much misrepresented Fugitive Slave Law. It is now evident, from all the signs of the times, that this is destined to become the principal subject of agitation at the next session of Congress, and to take the place of the Wilmot Proviso. Its total repeal or its material modification will henceforward be the battle cry of the agitators of the North.

And what is the character of this law? It was passed to carry into execution a plain, clear, and mandatory provision of the Constitution, requiring that fugitive slaves, who fly from service in one State to another, shall be delivered up to their masters. This provision is so explicit that he who runs may read. No commentary can present it in a stronger light than the plain words of the Constitution. It is a well known historical

fact that without this provision the Constitution itself could never have existed. How could this have been otherwise? Is it possible for a moment to believe that the slave States would have formed a union with the free States, if under it their slaves by simply escaping across the boundary which separates them would acquire all the rights of freemen? This would have been to offer an irresistible temptation to all the slaves of the South to precipitate themselves upon the North. The Federal Constitution, therefore, recognizes in the clearest and most emphatic terms the property in slaves, and protects this property by prohibiting any State into which a slave might escape from discharging him from slavery, and by requiring that he shall be delivered up to his master.

But, say the agitators, the Fugitive Slave Law, framed for the purpose of carrying into effect an express provision of the Constitution, is itself unconstitutional. I shall not stop to argue such a point at length, deeming this to be wholly unnecessary. The law, in every one of its essential provisions, is the very same law which was passed in February, 1793, by a Congress, many of whose members had come fresh from the convention which framed the Federal Constitution, and was approved by the Father of his Country. If this be so, it may be asked whence the necessity of passing the present law? Why not rest upon the Act of 1793? This question is easily answered. The Act of 1793 had entrusted its own execution not only to the Judges of the Circuit and District Courts of the United States, but to all State magistrates of any county, city, or town corporate.

The decision of the Supreme Court of the United States in the case of Prigg *vs.* the Commonwealth of Pennsylvania deprived these State magistrates of the power of acting under the law. What was the consequence? Let us take the State of Pennsylvania for an example. There were but three individuals left in the whole State who could judicially execute the provisions of the Act of 1793—the Circuit Judge and the two District Judges. Two of these Judges reside in Philadelphia, and one of them at Pittsburg, a distance of more than three hundred miles apart. It is manifest, therefore, that the law in many, indeed in most cases, could not have been executed for want of officers near at hand. It thus became absolutely necessary for Congress to provide United States officers to take the place of the State magistrates who had been superseded. Without this a constitutional right could have existed with no adequate

means of enforcing it. The fugitive slave bill was passed chiefly to remedy this defect, and to substitute such officers instead of the State magistrates whose powers had been nullified under the decision of the Supreme Court.

It is worthy of remark that several of our Northern legislatures, availing themselves of the decision of the Supreme Court, and under the deep excitement by the agitation of the Wilmot Proviso, passed laws imposing obstacles to the execution of the provisions of the Constitution for the restoration of fugitive slaves. I am sorry, very sorry, to state that Pennsylvania is among the number. By our Act of 3rd March, 1847, even the use of our public jails is denied for the safe custody of the fugitive; and the jailer who shall offend against this provision is deprived of his office, and is punishable with a heavy fine and a disqualification ever again to hold a similar office!

The two principal objections urged against the Fugitive Slave Law are, that it will promote kidnapping, and that it does not provide a trial by jury for the fugitive in the State to which he has escaped.

The very same reasons may be urged, with equal force, against the Act of 1793; and yet it existed for more than half a century without encountering any such objections.

In regard to kidnapping:—the fears of the agitators are altogether groundless. The law requires that the fugitive shall be taken before the judge or commissioner. The master must there prove to the satisfaction of the magistrate the identity of the fugitive, that he is the master's property and has escaped from his service. Now I ask, would a kidnapper ever undertake such a task? Would he suborn witnesses to commit perjury and expose himself to detection before the judge or commissioner, and in presence of the argus eyes of a non-slaveholding community, whose feelings will always be in favor of the slave? No, never. The kidnapper seizes his victim in the silence of the night, or in a remote and obscure place, and hurries him away. He does not expose himself to the public gaze. He will never bring the unfortunate object of his rapacity before a commissioner or a judge. Indeed, I have no recollection of having heard or read of a case in which a free man was kidnapped under the forms of law, during the whole period of more than half a century, since the Act of 1793 was passed.

But it is objected to the law that the fugitive is not allowed a trial by jury in the State to which he has escaped. So it has

always been under the Act of 1793, and so it is under the present law. A fugitive from labor is placed upon the very same footing, under the Constitution, with a fugitive from justice. Does a man charged with the commission of a crime in Maryland fly into Pennsylvania, he is delivered up, upon proper evidence, to the authorities of the State from which he fled, there to stand his trial. He has no right to demand a trial by jury in Pennsylvania. Nay, more; under our extradition treaties with foreign powers, does a man charged with a crime committed in England or France fly to the United States, he is delivered up to the authorities of the country from which he fled, without a trial by jury in this country. Precisely the same is the case in regard to a fugitive from labor. Upon satisfactory proof, he is delivered up without a trial by jury. In the Constitution he is placed upon the very same footing with fugitives from justice from other States; and by treaty, he is placed upon the very same footing with fugitives from justice from foreign countries. Surely the fugitive slave is not entitled to superior privileges over the free white man. When he returns to the State from which he has escaped, he is there entitled to a trial by jury, for the purpose of deciding whether he is a freeman. I believe every slave State has made provision by law for such a trial without expense, upon the petition of the slave; and we have heard it announced from the highest authority in the Senate of the United States, that such trials are always conducted in mercy, and with a rigid regard to the rights of the slave.

Why should an Act of Congress cast such a reflection upon the judicial tribunals of a sister State as to say they shall not be trusted with the trial of the question whether an individual is entitled to his freedom under the laws of the State from which he has fled?

But to allow the fugitive slave a trial by jury in the State where he is found, would, in many instances, completely nullify the provisions of the Constitution. There are many, I fear very many, in the Northern States who place their consciences above the Constitution of their country, and who would, as jurors, rescue a fugitive slave from servitude against the clearest testimony, thinking, at the same time, they were doing God's service. The excited condition of public feeling in many portions of the North would disqualify honest and respectable men from acting as impartial jurors on such a question. Besides, the delay, the trouble, and the expense of a jury trial at such a distance from home would, in most cases, prevent the master from pursuing his

fugitive slave. He would know that should he fail to obtain a verdict, this would be his ruin. He would then be persecuted with actions of slander, of false imprisonment, and every kind of prosecution which ingenuity could devise.

The defeat of the Wilmot Proviso and the passage of the Fugitive Slave Law are all that the South have obtained by the Compromise. They asked for the Missouri Compromise, which it is known that for one I was always willing to concede, believing this would be the most just, equitable, and satisfactory arrangement of the Territorial question between the North and the South. But that has passed away. California has been admitted as a State into the Union, with a positive prohibition of slavery in her Constitution; and whether the Mexican law abolishing slavery be in force or not in the remainder of our Territorial acquisitions, does any man believe that slavery will ever prevail among the Mormons in Utah, or among the inhabitants of the snow-clad hills and mountain valleys of New Mexico? Besides, the slave trade has been abolished in the District of Columbia. What then of the Compromise practically remains for the South but this Fugitive Slave Law, passed to carry out a clear constitutional provision? It is the only compensation which they have received for what they believe to be the great injuries they have sustained. Will they then patiently submit to have this law repealed, essentially modified, or nullified? Before its passage, the Constitution had become, in regard to fugitive slaves, almost a dead letter.

It is a notorious fact, that all along the border which separates the free from the slave States, every facility was afforded for the escape of slaves from their masters. If they could pass the line, their safety was almost certain. They were scarcely ever, in the language of the Constitution, "delivered up on the claim of the party to which such service or labor may be due." In many instances, the master or his agent who pursued them was insulted, assaulted, beaten, and imprisoned; and few men could be found bold enough to incur the hazard of such a dangerous undertaking. In this manner the Southern people were annually deprived of their property, guaranteed to them by the Constitution, to the amount of hundreds of thousands of dollars. The constitution was nullified, and this law was passed for the protection of their constitutional rights! Will they tamely surrender it? Let the voice which speaks in tones of thunder from the united South answer this question. They will at last, I trust and believe, submit to all the provisions of the

compromise, provided the Fugitive Slave Law be faithfully executed in the North; but they will go no further. All the resolutions even of the Union meetings in the South speak this language. Future aggressions must cease, or the Union will be in imminent danger.

Let us then resolve to put down agitation at the North on the slave question, by the force of enlightened public opinion, and faithfully execute the provisions of the Fugitive Slave Law. Should this be done, it will eventually extinguish those geographical parties—so dangerous to the Union and so much dreaded by the Father of his Country—which have sprung into existence; it will ameliorate the condition of the slaves, by enabling their masters to remove the restrictions imposed upon them in self defence, since the commencement of the present troubles, and will restore the natural and constitutional progress of emancipation which has, in several States, been arrested by the violence of abolitionists.

The Union cannot long endure, if it be bound together only by paper bonds. It can be firmly cemented alone by the affections of the people of the different States for each other. Would to Heaven that the spirit of mutual forbearance and brotherly love which presided at its birth could once more be restored to bless the land! Upon opening a volume a few days since, my eyes caught a Resolution of a Convention of the Counties of Maryland, assembled at Annapolis, in June, 1774, in consequence of the passage by the British Parliament of the Boston Port Bill, which provided for opening a subscription "in the several Counties of the Province, for an immediate collection for the relief of the distressed inhabitants of Boston, now cruelly deprived of the means of procuring subsistence for themselves and families by the operation of the said act for blocking up their harbor." Would that the spirit of fraternal affection which dictated this noble resolution, and which actuated all the conduct of our revolutionary fathers, might return to bless and to reanimate the bosoms of their descendants! This would render our Union indissoluble. It would be the living soul infusing itself into the Constitution and inspiring it with irresistible energy.

I am not one of those who can ever consent to calculate the value of the Union. Its benefits and its blessings are inestimable. God forbid that fanaticism should ever apply a torch to this, the grandest and most glorious temple which has ever been erected to political freedom on the face of the earth! Whilst

the friends of human liberty throughout the world would forever deplore the irreparable loss of our example to the nations, this catastrophe would be the prolific source of evils to all the States—North, South, East, and West—from the enumeration of which my mind recoils with horror.

Would any or all of the injuries which the South have suffered, or which they suppose they have suffered, from the agitation at the North, and from the Compromise, justify a resort to the last dread extremity of dissolving the Union? I believe not: and after the sober second thought, the patriotic people of the South will, I have no doubt, by a large majority, arrive at the same conclusion. For such causes they will never forfeit all the innumerable blessings of the Union, and subject the country and the lovers of rational freedom throughout the world to the most astounding political calamity which has ever befallen the human race.

It is not every wrong—nay, it is not every grievous wrong—which can justify, or even palliate, such a fearful alternative. In this age, and in this country, there is an incessant flux and reflux of public opinion. Subjects which but a few years ago excited the public mind to madness have passed away and are almost forgotten. To employ the eloquent language of Mr. Burke, they are "volcanoes burnt out;—and on the lava and ashes and squalid scoriæ of old eruptions, grow the peaceful olive, the cheering vine, and the sustaining corn."

The agitation at the North on the subject of domestic slavery in the South, like every thing human, will have its day. We have already reached, and, I trust, passed the dangerous crisis. Should this prove to be the case, the tempest which has been raging will purify the political atmosphere, and impart new and healthful life and vigor to the body politic.

But if, in the midst of such a temporary excitement, the Union should be dissolved, the mischief will then be irreparable. "Nations unborn, and ages yet behind," will curse the rashness of the deed. Should "the silver cord be loosed, and the golden bowl be broken at the fountain," human power will never be able to re-unite the scattered fragments. If the Almighty Ruler of the Universe has, in his Providence, destined the dissolution of the Union, as a punishment for the sins of the Nation, I hope, before that day, I may be gathered to my fathers, and never witness the sad catastrophe.

Yours, very respectfully,

JAMES BUCHANAN.

## 1851.

## ADDRESS, JANUARY 11, 1851,

AT PHILADELPHIA.[1]

After Governor Johnston had concluded, Morton McMichael came forward, and said that he had been instructed by the Committee of Arrangements to propose the health of an eminent Pennsylvanian who was then present—one who had represented his State in the National legislative councils, and had occupied a chief place in the administration of the National Government, and in regard to whom, however political differences might exist, all agreed that his high talents, his unsullied integrity, and his distinguished public services had justly placed him in the foremost rank, not only of Pennsylvanians, but of all Americans. He therefore gave

The health of the Hon. James Buchanan.

When Mr. Buchanan rose to reply, there was a whirlwind of cheers and applause. In the midst of it the band struck up a favorite and complimentary air at the end of which the cheering was renewed, and several minutes elapsed before he could be heard.

Mr. Buchanan, after making his acknowledgments to the company for the kind manner in which he had been received, proceeded to speak as follows:—

What a spectacle does this meeting present! It must be a source of pride and gratification to every true-hearted Pennsylvanian. Here are assembled the executive and legislative authorities of the commonwealth, several members from the State to the present Congress, as well as those elected to the next, and the Board of Canal Commissioners, enjoying the magnificent hospitality of the city and the incorporated districts adjacent—all of which, in fact, constitute but one great city of Philadelphia.

What important event in the history of Philadelphia is this meeting intended to celebrate? Not a victory achieved by our arms over a foreign foe. Not the advent amongst us of a great military captain fresh from the bloody fields of his glory; but the arrival here of a peaceful commercial steamer from the other side of the Atlantic. This welcome stranger is destined, as we

[1] Curtis's Buchanan, II. 28. This address was made at a festival in Philadelphia on the 11th of January 1851, on the establishment of a line of steamships between that city and Liverpool.

trust, to be the harbinger of a rapidly increasing foreign trade between our own city and the great commercial city of Liverpool. All hail to Captain Matthews and his gallant crew! Peace, as well as war, has its triumphs: and these, although they may not be so brilliant, are far more enduring and useful to mankind.

The establishment of a regular line of steamers between these two ports will prove of vast importance both to the city of Philadelphia and the State at large. And here, let me observe, that the interests of the city and the State are identical—inseparable. Like man and wife, when a well-assorted couple, they are mutually dependent. The welfare and prosperity of the one are the welfare and prosperity of the other. "Those whom Heaven has joined together, let not man put asunder." If any jealousies, founded or unfounded, have heretofore existed between them, let them be banished from this day forward and forever. Let them be in the "deep bosom of the ocean buried."

The great Central Railroad will furnish the means of frequent and rapid intercommunication between the city and the State. In the course of another year, Philadelphia will be brought within twelve or fourteen hours of our Great Iron City of the West—a city of as much energy and enterprise for the number of inhabitants, as any on the face of the earth: and, I might add, of as warm and generous hospitality. I invite you all, in the name of the people of the interior, to visit us oftener than you have done heretofore. You shall receive a hearty welcome. Let us become better acquainted, and we shall esteem each other more.

But will this great undertaking to extend the foreign commerce of Philadelphia with Europe, by means of regular lines of steamers, prove successful? To doubt this is to doubt whether the capital, intelligence, and perseverance, which have assured signal success to Philadelphia in every other industrial pursuit, shall fail when applied to steam navigation on the ocean. But after to-night there can be "no such word as fail" in our vocabulary. We have put our hand to the plough, and we must go ahead. We dare not, because we cannot, look back without disgrace; whilst success in foreign commerce will be the capsheaf —the crowning glory of Philadelphia.

The distance of Philadelphia from the ocean, and the consequent length of river navigation, have hitherto constituted an obstacle to her success in foreign trade. Thanks to the genius of Fulton, this obstacle has been removed, and the noble Dela-

ware, for every purpose of foreign commerce, is as if it were an arm of the sea. We learn from the highest authority, that of the pioneer who was an officer in one of the first steamers which ever crossed the Atlantic, and who has successfully completed his ninety-ninth voyage, that the difference in time from Liverpool between New York and Philadelphia is only about twenty hours. This is comparatively of no importance, and cannot have the slightest effect on the success of the enterprise.

Fulton was a native citizen of Pennsylvania. He was born in the county where I reside. And shall not the metropolis of the native State of that extraordinary man who, first of the human race, successfully applied steam power to navigation, enjoy the benefits of this momentous discovery which has changed the whole face of the civilized world? Philadelphia, in her future career, will gloriously answer this question.

Philadelphia enjoys many advantages for the successful pursuit of foreign commerce. Her population now exceeds 400,000; and it is a population of which we may be justly proud. It is of no mushroom growth; but has advanced steadily onward. Her immense capital is the result of long years of successful industry and enterprise. Strength and durability characterize all her undertakings. She has already achieved distinguished success in manufactures, in the mechanic arts, in domestic commerce, and in every other industrial pursuit, and in the natural progress of events, she has now determined to devote her energies to foreign commerce.

And where is there a city in the world, whose ship-yards produce finer vessels? Whether for beauty of model, rapidity of sailing, or durability, Philadelphia built vessels have long enjoyed the highest character. Long as I have been in the public councils, I have never known a vessel of war built in this city, not fully equal to any of her class afloat on the waters of the world. A few weeks since I had the pleasure of examining the steamer Susquehanna, and I venture to say, that a nobler vessel can nowhere be found. She will bear the stars and stripes triumphantly amid the battle and the breeze. May we not hope that Philadelphia steamers will, ere long, be found bearing her trade and her name on every sea, and into every great commercial port on the face of this earth?

The vast resources of the State which will be poured into the lap of Philadelphia, will furnish the materials of an extensive foreign commerce. And here, in the presence of this domestic

family Pennsylvania circle, may we not indulge in a little self-gratulation, and may we not be pardoned, if nobody else will praise us, for praising ourselves? We have every reason to be proud of our State; and perhaps we ought to cherish a little more State pride than we possess. This, when not carried to excess, when it scorns to depreciate a rival, is a noble and useful principle of action. It is the parent of generous emulation in the pursuit of all that is excellent, all that is calculated to adorn and bless mankind. It enkindles the desire in us to stand as high as the highest among our sister States, in the councils of our country, in the pursuit of agriculture and manufactures and every useful art. This honorable feeling of State pride, particularly when the Pennsylvanian is abroad, out of his native land, will make his heart swell with exultation, if he finds that Philadelphia has become a great commercial city, her flag waving over every sea, her steamers to be seen in every port—an elevated position in which Philadelphia, if she but wills it, can undoubtedly be placed.

The great and good founder of our State, whose precept and whose practice was "peace on earth, and good will to man," immediately after he had obtained the royal charter, in the spirit of prophetic enthusiasm declared, "God will bless, and make it the seed of a nation. I shall have a tender care of the government that it be well laid at first."

How gloriously this prediction has been verified! God has blessed it, and the seed which the founder sowed has borne the richest fruit. We are indeed a nation, confederated with thirty other sovereign nations or States by the most sacred political instrument in the annals of mankind, called the Constitution of the United States. Besides, we are truly the keystone of this vast confederacy, and our character and position eminently qualify us to act as a mediator between opposing extremes. Placed in the centre, between the North and the South, with a population distinguished for patriotism and steady good sense, and a devoted love to the Union, we stand as the daysman, between the extremes, and can declare with the voice of power to both, hitherto shalt thou go, and no further. May this Union endure forever, the source of innumerable blessings to those who live under its beneficent sway, and the star of hope to millions of down-trodden men throughout the world!

Bigotry has never sacrificed its victims at the shrine of intolerance in this our favored State. When they were burning witches in Massachusetts, honestly believing at the time they

were doing God's service. William Penn, in 1684, presided at the trial of a witch. Under his direction, the verdict was: "The prisoner is guilty of the common fame of being a witch; but not guilty as she stands indicted." And "in Penn's domain, from that day to this," says the gifted historian, "neither demon nor hag ever rode through the air on goat or broomstick."

From the first settlement of the province until the present moment, the freedom of conscience established by the founder has been perfect. Religion has always been a question exclusively between man and his Creator, and every human being has been free to worship his Maker according to the dictates of his own conscience.

Bigotry, madly assuming to itself an attribute belonging to the Almighty, has never attempted to punish any one of his creatures for not adapting his belief to its own standard of faith. We have great cause to be proud of the early history of Pennsylvania.

Pennsylvania, more than any other State of the Union, has been settled by emigrants from all the European nations. Our population now exceeds two millions and a quarter; but we cannot say that it is composed of the pure Anglo-Saxon race. The English, the Germans, the Scotch Irish, the Irish, the Welsh, the French, and emigrants from every other European country have all intermingled upon our happy soil. We are truly a mixed race. And is not this a cause for self-gratulation? Providence, as if to designate his will that families and nations should cultivate extended intercourse with each other, has decreed that intermarriage in the same family shall eventually produce a miserable and puny race, both in body and in mind; whilst intermarriages among entire strangers have been signally blessed. May it then not be probable that the intermixture of the natives of the different nations is calculated to produce a race superior to any one of the elements of which it is composed? Let us hope that we possess the good qualities of all, without a large share of the evil qualities of either. Certain it is that in Pennsylvania we can boast of a population which for energy, for patient industry, and for strict morality, are unsurpassed by the people of any other country.

And what is her condition at present? Heaven has blessed us with a climate which, notwithstanding its variations, is equal to almost any other on the face of the earth, and a soil capable of furnishing all the agricultural products of the temperate zone.

And how have we improved these advantages? In agriculture we have excelled. I have myself been over a good portion of the best cultivated parts of the world; but never anywhere, in any country, have I witnessed such evidences of real substantial comfort and prosperity, such farm-houses and barns, as are to be found in Pennsylvania. It is true we cannot boast of baronial castles, and of extensive parks and pleasure grounds, and of all the other appendages of wealth and aristocracy which beautify and adorn the scenery of other countries. These can only exist in countries where the soil is monopolized by wealthy proprietors and where the farms are consequently occupied by a dependent tenantry. Thank Heaven! in this country, every man of industry and economy, with the blessings of Providence upon his honest labor, can acquire a freehold for himself, and sit under his own vine and his own fig tree, and there shall be none to make him afraid.

Then in regard to our mineral wealth. We have vast masses of coal and iron scattered with a profuse hand under the surface of our soil. These are far more valuable than the golden sands and golden ore of California. The patient labor necessary to extract these treasures from the earth, and bring them to market, strengthens the sinews of the laborer, makes him self-reliant and dependent upon his own exertions, infuses courage into the heart, and produces a race capable of maintaining their liberties at home and of defending their country against any and every foreign foe. Look at your neighboring town of Richmond. There three millions of tons of coal are annually brought to market, and the domestic tonnage employed for sending it abroad exceeds the whole foreign tonnage of the city of New York. All these vast productions of our agriculture and our mines are the natural aliments of foreign commerce for the city of Philadelphia.

But this is not all. Our Central Railroad will soon be completed; and when this is finished, it will furnish the avenue by which the productions of the great West will seek a market in Philadelphia. It will connect with a chain of numerous other railroads, penetrating the vast valley of the Mississippi in different directions, which will bring the productions of that extended region to seek a market in Philadelphia.

And with these unexampled materials for foreign commerce, is it possible that the city of Philadelphia will hold back? Will she not employ her capital in a vigorous effort to turn to

her own advantage all these elements of wealth which Providence has placed within her reach? What is the smallest share of foreign commerce to which she is legitimately entitled? It is at least to import into Philadelphia all the foreign goods necessary for the supply of Pennsylvania and the far West, which seek her markets for their productions. She is bound, by every principle of interest and duty, to bring to her own wharves this amount of foreign trade, and never as a Pennsylvanian shall I rest satisfied until she shall have attained this measure of success. Shall she then tamely look on and suffer her great rival city, of which every American ought to be proud, to monopolize the profit and advantages to which she is justly and fairly entitled? Shall New York continue to be the importing city for Philadelphia? Shall she any longer be taunted with the imputation that so far as foreign trade is concerned, she is a mere provincial and dependent city? She can, if she but energetically wills it, change this course of trade so disadvantageous to her character and her interests; and the proceedings of this meeting afford abundant assurances that from this day forth she is destined to enter upon a new and glorious career. She must be prepared to encounter and to overcome serious competition. She must therefore nerve her arm for the struggle. The struggle is worthy of her most determined efforts.

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## TO MISS LANE.[1]

Wheatland 17 January 1851.

My dear Harriet/

I have received yours of the 15th & we are all happy to learn that you have reached Washington so pleasantly. I hope that your visit may prove agreeable; & that you may return home self satisfied with all that may transpire during your absence. Keep your eyes about you in the gay scenes through which you are destined to pass & take care to do nothing & say nothing of which you may have cause to repent. Above all, be on your guard against flattery; & should you receive it, "let it pass into one ear gracefully & out at the other." Many a clever girl has been spoiled for the useful purposes of life & rendered unhappy

[1] Buchanan Papers, private collection; Curtis's Buchanan, II. 17.

by a winter's gaiety in Washington. I know, however, that Mrs. Pleasonton will take good care of you & prevent you from running into any extravagance. Still it is necessary that, with the blessing of Providence, you should take care of yourself.

I attended the festival in Philadelphia, on the occasion of the arrival of the steamer "City of Glasgow," but did not see Lilly Macalester. Her father thinks of taking her to the World's Fair in London. I saw Mrs. Plitt for a moment who inquired kindly after you.

We are moving on here in the old way & I have no news of any interest to communicate to you. Eskridge was out here last night & said they were all well in town. I met Mrs. Baker yesterday on the street with her inseparable companion. She was looking very well.

I have not yet determined whether I shall visit Washington during the present session; but it is probable that I may on or about the first of February.

Give my love to Laura & Clem; & remember me, in the kindest terms, to Mr. & Mrs. Pleasonton.

Miss Hetty & James desire their love to you.

Yours affectionately,

JAMES BUCHANAN.

MISS HARRIET LANE.

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## TO MISS WATTERSTON.[1]

WHEATLAND 20 January 1851.

MY DEAR MISS WATTERSTON,

Many thanks for your very kind letter. It is pleasant for a retired gentleman to take a peep through "the loop holes" of retreat at the great world. Your letter has presented a graphic picture of the scenes which it describes,—scenes which I now view with comparative indifference. I am greatly attached to Washington and its excellent society: but as for large parties, routes, levees, assemblies, &c. &c. I would not give a button for them all. I have had enough of all this to satisfy any ordinary appetite. But I still love a tête à tête in a corner such as I hope to enjoy with Miss W., should I visit Washington; and am as fond as ever of agreeable society and friendly social

[1] Buchanan MSS., Library of Congress.

intercourse. If I can leave home, I shall be with you the latter end of this week or the beginning of the next; but it is yet uncertain whether I must not go to Harrisburg.

Now about what can I write which would interest you? You know that my life here is very monotonous though at the same time very agreeable. We proceed in the same "John Trot" style as when you were here, without your charming society to enliven the dullness of a winter in the Country. I have purchased a new sleigh, and anticipated much pleasure from sleighing; but we have had no snow. What is worse, our ice-house is yet empty; and we begin to fear that it will thus remain. We have had a little gaiety in our good old Town of Lancaster in which I have participated; but nothing has occurred in our provincial fashionable world which could interest you for a single moment.

In Washington I know they are busy making and unmaking Presidents. The hopes of an aspirant are elevated to-day to be crushed to-morrow; and candidates and their friends are busy in observing all "the signs of the times." "This is vanity and vexation of spirit." Away with it. But is it not a melancholy spectacle to witness aged men of three score and ten struggling on the political arena for the offices and honors of this world, as though it were to be their everlasting abode? But enough of this.

I presume you have seen Harriet. She went to Washington with warm anticipations of pleasure. I hope they may be realised.

Please to remember me, in the kindest terms, to your father and mother and to Mrs. Holcombe and Mrs. Beale, and believe me to be ever your sincere and affectionate friend

James Buchanan.

Miss Eliza Watterston,
[Care of George Watterston.]

## TO MISS LANE.[1]

WHEATLAND, near LANCASTER 7 April 1851.

MY DEAR HARRIET,

Supposing that you are now in Baltimore, I send you the enclosed letter received yesterday. It was inadvertently opened by me; but the moment I saw it was addressed to "My dear Harriette" it was closed. It may contain love or treason for aught I know.

Eskridge was here yesterday; but he gave me no news, except that Mary & he were at a party at Mr. McElrath's on Wednesday evening last.

The place now begins to look beautiful & we have concerts of the birds every morning. Still I fear it will appear dull to you after your winter's gaiety. Lewis has gone & we have a new coachman in the person of Mr. Francis Quinn who with his lady occupy the gardener's house. They have no children. Mr. Emanuel C. Reigart will leave here on Saturday next for the World's Fair & a trip to the continent. Your *ci-devant* lover Mr. Evans purposes to go likewise; but many persons think he will not get off, on account of the expense. Mr. and Mrs. Gonder prove to be very agreeable neighbors. They are furnishing their house & fitting up their grounds with much taste & at considerable expense.

With my kindest regards for Mr. & Mrs. White & the young ladies, I remain,

Yours affectionately,

JAMES BUCHANAN.

MISS HARRIET LANE.

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## TO THE CENTRAL SOUTHERN RIGHTS ASSOCIATION OF VIRGINIA.[2]

WHEATLAND, near LANCASTER, April 10, 1851.

MY DEAR SIR:—

I have received your kind letter of the 2d inst., with the resolutions adopted by the Central Southern Rights Association of Virginia, inviting me to address the Association at such time as may suit my convenience, and to counsel with them "in

[1] Buchanan Papers, private collection; Curtis's Buchanan, II. 18.

[2] Curtis's Buchanan, II. 23.

regard to the best means to be adopted in the present alarming crisis, for the maintenance of the Constitution and the Union of these States in their original purity."

I should esteem it both a high honor and a great privilege to comply with this request, and therefore regret to say, that engagements, which I need not specify, render it impossible for me to visit Richmond during the present, or probably the next month.

The Association do me no more than justice, when attributing to me a strong desire " for the maintenance of the Constitution, and the Union of the States in their original purity."

Whilst few men in this country would venture to avow a different sentiment, yet the question still remains, by what means can this all-important purpose be accomplished? I feel no hesitation in answering, by returning to the old Virginia platform of State rights, prescribed by the resolutions of 1798, and Mr. Madison's report. The powers conferred by the Constitution upon the General Government, must be construed strictly, and Congress must abstain from the exercise of all doubtful powers. But it is said these are mere unmeaning abstractions—and so they are, unless honestly carried into practice. Like the Christian faith, however, when it is genuine, good results will inevitably flow from a sincere belief in such a strict construction of the Constitution.

Were this old republican principle adopted in practice, we should no longer witness unwarrantable and dangerous attempts in Congress to interfere with the institution of domestic slavery, which belongs exclusively to the States where it exists—there would be no efforts to establish high protective tariffs—the public money would not be squandered upon a general system of internal improvements—general in name, but particular in its very nature, and corrupting in its tendency, both to the Government and to the people; and we would retrench our present extravagant expenditure, pay our national debt, and return to the practice of a wise economy, so essential to public and private prosperity. Were I permitted to address your Association, these are the counsels I should give, and some of the topics I should discuss, as the best means " for the maintenance both of the Constitution and the Union of the States, in their original purity," and for the perpetuation of our great and glorious confederacy.

With sentiments of high regard, I remain yours, very respectfully,

James Buchanan.

## FROM MR. KIDDER.[1]

*Confidential*

Wilkesbarre 11 May 1851.

Hon. James Buchanan,

My dear Sir: I have regretted that my time was so limited when I called upon you, that I could not say one half I desired to say; but having received a letter to-day from my friend Roat, who has recently visited you, I am induced to trouble you with a short letter. But having been induced from the force of circumstances to become a candidate for the Supreme Bench, I feel extremely awkward in writing letters, from the apprehension that my motives may be misconstrued. Whether your influence will be cast for me I know not, and for my present purpose, it is unnecessary to inquire; but I can say in all sincerity that I have never been your enemy, & I have never failed to serve you when an opportunity offered. If I have not been a noisy partizan, I have still always spoken of you with respect and kindness. In every position in which you have been placed you have not only sustained a high character as a statesman, but you have elevated the character of your native State.

Our personal intercourse tho' limited has always been kind I have never had any occasion to complain of you but once, & this was for certain expressions made by you adverse to my confirmation when nominated to my present Judge-ship. I frankly conveyed to you the fact, as I heard it, & you as frankly admitted that you had used the expressions in question, & here the matter ended. I can assure you that I have harbored no animosity in consequence of it, & I became satisfied that your ear had been abused in reference to the circumstances connected with it.

My plan is & has been to keep the Presidential question out of the Reading Convention. It will operate as a firebrand at this time, when perfect union & harmony are so much to be desired. Another year will accomplish wonders in smoothing down asperities and in defining the position of leading men in the State. Gen. Cass has certainly lost ground in Pennsylvania within a few months, and is still losing. While I think well of him, as a man, it cannot be disguised that his great timidity as a statesman furnishes one of the greatest obstacles to his success; besides he has been mixed up with all the different questions which have agitated the country for several years past, and out of which have grown our sectional differences My own opinion is, that the increasing obstacles to his success must result in abandoning him as a candidate You stand upon a different platform, & in addition to the natural feeling of State pride in your favor, your votes are not upon the record If you were to take the same pains for a year to come, that you have done for a few months past, to soothe asperities, I predict that your course would be clear & your success certain. You & Gen. Cameron ought to be friends. Living in the same section of the State, and having so many interests in common, it is worse than idle for you men to be enemies If the Pennsylvanian would cease to attack him, (which he charges to you) I have little doubt but a better understanding could be brought about between you. I should be willing to volunteer my best offices, to accomplish such an object.

[1] Buchanan Papers, Historical Society of Pennsylvania.

Mr. Roat informs me that he had a very satisfactory interview with you, & feels much gratified. He has been a great Cass man. I urged him to go & see you, and feel gratified it has resulted so favorably. He is a man of great natural shrewdness, and besides wields considerable influence.

Excuse me for a long rambling letter & believe me

Yr. friend

L. KIDDER.

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## TO MR. KIDDER.[1]

[May 16, 1851.]

You say that General Cameron & myself ought to be friends; but this it would be difficult, almost impossible, to accomplish. He has made war upon me "à outrance" without any cause whatever at the commencement of his hostilities; & I expect nothing but to encounter his opposition to the end. I would not give a pledge to him or any other man in advance in regard to individual appointments or personal favors, to secure my nomination & election. Should I ever be elected President, my friends must confide in my sense of gratitude & duty to do justice towards those who may have sustained me in the hour of need. He has no right or just cause to charge me, as you say he does, with advising or inciting the attacks upon him in the Pennsylvanian; but so far as that paper exerted itself to defeat the attempt to disorganise the party in the Legislature & elect him to the Senate by Whig votes, it received my approbation.

The relations between General Cameron & myself were for many years those, on my part at least, of sincere personal friendship. Although I never had much reliance on his radical Democracy, yet I confided implicitly on his personal friendship & suffered much because I would not abandon & denounce him. He himself has voluntarily cut the cord which united us, & by his well known energy, activity, & exertions, has done me as much injury in this & other States as any man living. But enough & too much of this matter. The evil appears to me to be inevitable & therefore your interposition so kindly offered could produce no good effect.

From your friend very respectfully

J. B.

Extract from my answer dated 16 May 1851.

[1] Buchanan Papers, Historical Society of Pennsylvania.

## TO MISS WATTERSTON.[1]

WHEATLAND, near LANCASTER, 16 July 1851.

MY DEAR MISS WATTERSTON,

I have this moment received your saucy letter of the 13th, and although about to leave home, cannot deny myself the pleasure of giving it a brief answer, before my departure.

You assail me very prettily for not writing to you; although at the very time you were inditing the letter your conscience was telling you that you were to blame for not writing sooner yourself. This is an excellent ruse for neglecting an old friend, who, you know, feels a deep interest in all that concerns a certain "ladye faire." Besides, you know how much I am worried by an extensive correspondence with persons for whom I do not care a straw in comparison with yourself.

Are you never going to be married and make some clever fellow happy? Or do you intend to remain the same gay, agreeable, and intellectual—I will not write the word that you have been. Away with your Spanish. You already speak languages enough to make you sufficiently captivating. And you also possess a heart, which is the best of your accomplishments.

It is no wonder that "your father raised the Wig from the phrenological development of a rabid Democrat," by expressing an approval of the nomination of Col. King and myself. I am truly rejoiced, however, to learn the fact. He is a gentleman of sound sense and excellent judgment, and begins to perceive that the Whigs in power are not the thing "they are cracked up to be" whilst outsiders. I know many more respectable Whigs who entertain the same opinion. We shall give the Whigs a handsome dressing in this State in October next, unless all signs should fail.

Harriet left yesterday for the Bedford Springs with a party from the neighbourhood and Philadelphia. I may be there in about a week; but this depends on circumstances. We have had a great deal of company here this season.

I deeply regret to learn Mrs. Houston's illness. She is one of my prime favorites. Will you remember me to her kindly? and congratulate her for me on becoming a grandmother.

Please to present me to your father and mother in the kindest

[1] Buchanan MSS., Library of Congress.

terms. I regret that I must be off; for I feel in good trim to write you a long gossiping letter.

Yours affectionately

JAMES BUCHANAN.

MISS ELIZA WATTERSTON.

P. S. Miss Hetty sends her kind regards.

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## TO MR. HEMPHILL.[1]

WHEATLAND, near LANCASTER, 18 July 1851.

MY DEAR SIR

I have this moment received your favor of the 17th Instant; and although about leaving for the Bedford Springs, I cannot refrain giving it a brief answer.

However much we may differ in opinion on the Judicial question, I should ever deplore this difference, if it could by possibility produce the slightest diminution in our mutual friendship. It has lasted too long & been too sincere for any change in our advancing years. Had I known or imagined you were so much excited on the subject of the Judicial ticket, I should not have addressed you as I did. Friends when they can't agree ought to agree to disagree, & not introduce, in their intercourse with each other, questions likely to produce dissension. I am, therefore, sincerely sorry that I wrote to you at all. Yet having written, I must say that I never spoke words more sincerely in my life than what I said of our judicial ticket. I am intimately acquainted with every Candidate upon it, & believe it to be far superior to the Whig ticket. Had I been a member of the Judicial Convention, I never should have voted for the nomination of Judge Gibson, notwithstanding his transcendent legal abilities. The reason would have been his resignation of his office & acceptance of a new appointment from Governor Ritner *& the doubt which I have entertained for many years of the soundness of his Democracy.* I deemed it highly proper, if not absolutely necessary, that one of the old Judges should be placed upon the new Bench, & I was anxious that Judge Bell, instead of Judge Gibson, should form the connecting link between the two Courts. This, as I was informed by the Delegates, for

[1] Buchanan Papers, Historical Society of Pennsylvania.

I know nothing of my own knowledge, was prevented by Judge Bell's friends. Whatever may have been the cause, I sincerely regret the effect.

On one point I regret that I differ from you essentially. In my opinion, we ought as a party to settle a Democratic Judicial ticket for the Supreme Bench, & as a party sustain this ticket after it has been settled, provided it is composed of honest & able men. The mind that is strongly imbued with Democratic principles will naturally & necessarily take a different view of great constitutional & other highly important questions involving the rights & liberties of the people, from that taken by a mind which has all its life delighted in high toned federal doctrines. Whilst Judge Black would, I am persuaded, though I do not know, decide that a Bank of the United States was a violation of the Constitution, Mr. Meredith, with equally honest intentions, would arrive at a different conclusion. I agree that on questions of mere meum & tuum, the politicks of the Judge could make no difference; but upon important questions involving the first principles of our government the difference might be very great. No Whig President has ever appointed a Democratic Judge of the Supreme Court of the United States, nor has a Democratic President appointed a Whig: & yet the remark has been general that the Democrats appointed to this Bench from the very nature of the constitution of the Court have always soon leaned to the side of power & to such a construction of the Constitution as would extend the powers of the Federal Government.

I was once a federalist, & changed very many years ago from sincere conviction; and the reason why I first seriously thought of this change was the rapid strides which I saw were making on the part of the Federal Government towards consolidation, then always sustained by the Supreme Court of the United States. I, therefore, go in for a Democratic Supreme Court on principle & without the slightest spirit of proscription in my nature.

I say all this, not with the least idea or expectation of producing any change in your opinion, but merely to justify myself to you for the opinions which I hold.

I regret that any circumstance should have occurred rendering it improper for me to visit West Chester. I had imagined to myself a most agreeable trip to your charming town & to the Yellow Springs; but it is not the first time I have been disappointed.

With sentiments of sincere friendship & respect, I remain
Truly yours

James Buchanan.

Joseph Hemphill, Esquire.

P. S. I shall consider your letter as entirely confidential & shall not even speak of it to any person, though I know you would not care if I should.—I commenced, intending to write a few lines, & have nearly covered the sheet.

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## TO MR. VANSANT ET AL.[1]

Wheatland, near Lancaster, 30 September 1851.

Gentlemen/

I have received, through Messrs. Denmead, Boyd, & Smith, your kind invitation to deliver the next "Annual Address," on the 30th October, before the "Maryland Institute for the promotion of the Mechanic Arts." I can say, with unaffected sincerity, that I should esteem it a very high privilege to be able to comply with your request, & if this were possible, consistently with other imperative duties, I should eagerly embrace the opportunity of giving my public testimony in favor of the value & importance of your magnificent Institute to the great cause of Natural Industry, an Institute reared & sustained by the well known patriotism, liberality, & enterprise of the City of Baltimore & the State of Maryland.

A nobler theme could not be presented for discussion than the intimate connexion between the progress of civilisation & that of the Mechanic Arts; & the manner they reciprocally aid each other in the advancement of our race towards that high & happy destiny for which we were intended by the bountiful author of our existence. Ours is the only country on the face of the earth where every man feels that he is equal to his fellow man, & where useful & skilful labor elevates the mechanic far above the idle drones who affect to look down upon him in other countries. This proud & conscious feeling of independence has stimulated the native energy & inventive genius of our merchants & has inspired them with a determination not to stop short of excellence in every useful art. The fruits of this spirit are

[1] Buchanan Papers, private collection.

exhibited in the unparalleled number, for the time, of valuable inventions, now the admiration if not the envy of the world, & in that surpassing skill which, in a single branch, has, on a recent memorable occasion, borne away the prize on her own favorite element from the self-styled mistress of the ocean. But I must stop, or else I shall write a lecture instead of an apology.

With many thanks for the honor which you have conferred upon me, & with sincere regrets that imperative engagements prevent me from accepting your invitation, I remain

Very respectfully your fellow-citizen,

JAMES BUCHANAN.

JOSHUA VANSANT ESQUIRE, President, & the Vice Presidents & Managers of the Maryland Institute, Baltimore.

## TO MISS LANE.[1]

WHEATLAND, near LANCASTER, 4 Nov. 1851.

MY DEAR HARRIET,

I have received your favor of the 29th ultimo & would have answered it sooner had I not been absent at Lebanon on its arrival. You appear to have already got under full sail in Pittsburgh & I hope your voyage throughout may be prosperous and happy. If you have found the place even blacker & dirtier than you had anticipated you will find the people warm-hearted, generous, kind, & agreeable. But do not for a moment believe that any hearts will be broken even if you should fail to pay all the visits to families where you are invited. I know, however, that you are not so romantic a girl as to take for gospel all the pretty things which may be said to you.

My dinner to the bride & groom is to come off next Saturday & I intend to call upon Mrs. Baker to be mistress of ceremonies. I had to send for her on Friday last to stay with Mr. and Mrs. Yost whom I was compelled to leave by an engagement to be present at a Jubilee in Lebanon.

Eskridge was here on Sunday but brought no budget of news. Indeed I believe there is nothing stirring which would interest you.

I have a friend in Pittsburgh, such as but few men have

[1] Buchanan Papers, private collection; Curtis's Buchanan, II. 18.

ever had, by name Major David Lynch. He does not move in the first circle of fashionable society; but exercises more influence than any other Democrat in that region. His devotion to me is unexampled. With one such man there would be no difficulty in Lancaster county. I know that Dr. Speer don't like him; but when you visit Mrs. Collins, get Mr. McCandless to request him to pay you a visit & treat him with the utmost kindness. His wife is a lady of fine sense; but I presume you will not be asked to visit her. If you should, make it a point to go.

Miss Hetty & myself are now alone, although I have many calls. For the last two days & a great part of the nights I have been constantly at work in answering the letters which have accumulated during my absence at New York, the Harrisburg Fair & Lebanon.

Miss Hetty desires to be kindly remembered to you. Take care of yourself. Be prudent & discreet among strangers. I hope you will not remove the favorable impression you have made. Please to present my kindest regards to Dr. and Mrs. Speer, Miss Lydia & the family & believe me to be

Yours affectionately,

JAMES BUCHANAN.

MISS HARRIET LANE.

P. S. If I believed it would have any effect, I would advise you to be constant in your devotions to your God. He is a friend who will never desert you. Men are short sighted & know not the consequences of their own actions. The most brilliant prospects are often overcast; & those who commence life under the fairest auspices are often unfortunate. Ask wisdom & direction from above. ——, and ——, and —— have married unfortunately. I should like nothing better than to see you well settled in life; but never think of marrying any man unless his moral habits are good & his business or his fortune will enable him to support you comfortably. So now my postscript is like a woman's. The best, the last.

## TO MISS LANE.[1]

[November 8, 1851.]

My dear Harriet,

Our excellent friend & neighbour, Mr. Gonder, died this morning, & this event has covered us with gloom. Of course there will be no dinner party to-day. We are all well & going on as usual.

Yours affectionately

James Buchanan.

Miss Harriet Lane.
Saturday morning, 8 Nov. '51.

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## TO MISS WATTERSTON.[2]

Wheatland, near Lancaster, 17 November 1851.

My dear Miss Watterston,

I have been so much absent from home since the late election that my correspondence is far behind. I fear I shall not be able to overtake it. This is the only reason why I have not sooner answered your charming sprightly and gossiping letter.

Your poetic lover must be in a bad way. For my own part, I admire your voice and the expression of heart and feeling which accompanies it; but I cannot say with him,—"That voice I fain would hear forever more." I think I should prefer the pious and childless widower with $3000 a year. But when I go to Washington, which I trust I may do in January, let me see and know them both, and I shall tell you whether either is worthy of you.

We are now "solitary and alone" at Wheatland, that is, Miss Hetty and myself. The summer birds have all flown away and the winter winds howl around us; but I am content with my lot. Harriet is in Pittsburg making a great ado. She is in one respect like yourself. She is fonder of being pursued than overtaken, of being sought than won.

I know not the man I would rather see than Jack Houston, with or without "his flaming red cravat," with ends floating gracefully on the breeze. He is an eccentric philosopher with a

[1] Buchanan Papers, private collection; Curtis's Buchanan, II. 20.
[2] Buchanan MSS., Library of Congress

good kind head, and talks like a book. I am much attached to him, as well as to Gertrude. Lest I may forget, please to remember me kindly to them and to Mrs. Beale, not forgetting Robert.

Thank you for your Congratulations on our late election. I was determined, so far as I could, that this election should be decided on great national principles and make an end of free-soilism and abolition in our State. This has, I think, been accomplished. As we "paltered in a double sense" with none of the isms which infest our State, we had them all arrayed against us. The motley army of our opponents, Whigs, Abolitionists, free Soilers, Anti-Masons, and Native Americans, was marshalled in and led by Governor Johnston. This reckless but skilful, able, and persevering demagogue alone could have combined such heterogeneous materials into one Solid Mass. Many of our Whigs, perhaps, indeed I believe a majority of them, are not free soilers; but their allegiance to party was too powerful for their principles.

It is doubtful, very doubtful, whether any cause will ever exist for the struggle which you depict between your patriotism and your selfishness. "The little giant of the West" now seems to be going ahead, but the most dangerous competitor has yet been but little named. If success attends me, very well; if not, defeat will cost me neither "a night's rest nor a meal's victuals." Thank Heaven! I know how to be happy in retirement.

Please to present my kindest respects to your father, mother, and sister, and believe me to be your affectionate friend

JAMES BUCHANAN.

MISS ELIZA WATTERSTON.

P. S. Miss Hetty desires to be very kindly remembered to you.

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## TO MR. JOHNSON.[1]

WHEATLAND, near LANCASTER, 3 December 1851.

MY DEAR SIR/

Upon returning home a few days ago, I received the melancholy intelligence of Mrs. Johnson's death. Although from your last letter I had anticipated this mournful event, yet the sad

[1] Buchanan Papers, Historical Society of Pennsylvania.

reality affected me deeply. Most sincerely do I sympathise with you upon your irreparable loss. She was every thing which a wife, a mother, or a friend ought to be. Frank, kind-hearted, sincere, & faithful, she was beloved by all who enjoyed the opportunity of observing her virtues. I should esteem it a favor to learn the particulars of her death. "What shadows we are & what shadows we pursue."

I hope the seed wheat which I sent you may prove to be all you desire. Strange to say, I had much trouble in procuring it. The first which I purchased from a neighbour was not of prime quality, & many of the grains had been split by the thrashing machine. I had to send nine miles to a friend who had excellent Mediterranean wheat & get him to have it thrashed in the old fashioned way.

I received a letter from our friend Marcy dated on the 24 ultimo at New York, which contains some strange but confidential revelations; but as I know he would conceal nothing from you confidentially, I shall make an extract from his letter relating to Knox Walker. He says,—"Knox Walker is again on to New York laboring with might & main for Douglas. He opened himself fully to me in regard to the state of things in Tennessee, & expressed himself quite confidently that the Delegation from that State would go for Douglas. He thinks that General Pillow & A. V. Brown will be able to control the selection of them. Pillow is to be Vice President with Douglas. Knox himself will go to Tennessee & be there on the 8th January when the State Convention will meet for the choice of delegates." !!!

I thought it right that you should know this. Douglas is the Candidate of the "Ebony Line." George Law, George Sanders, Knox Walker, & all that set of Lobby Borers go in for him strongly. From all I can learn, however, it will be but a flash in the pan, unless indeed Knox Walker should be able to get him endorsed by the illustrious State of Jackson & Polk.

Our friend Marcy is himself pleased at the idea of being a candidate: & the Van Burens & leading Barnburners are tickling him with the idea. He is very shrewd, & it will be diamond cut diamond. He said to me he would not suffer his name to be used unless he could obtain delegates who would be his own reliable friends; whilst I am convinced it is their object to use him for the purpose of electing such delegates as they can transfer to Butler at Baltimore. Beyond all question, the Van Burens, Blair, & that set intend to go for Butler; & yet strange to say,

the St. Louis Union, the principal Bentonian paper in Missouri, has manifested strong symptoms of friendship for me.

They are all as much "through other," in New York, to use an old woman's phrase, probably as they have ever been. Dickinson & Marcy are not as good friends as formerly. Dickinson, they say, wants a Southern man nominated, so that he may be Vice President, whilst the friends of Douglas have made sad inroads on the Hunker Cass men. I have many reliable friends there who are watching the game & but few enemies. If Marcy can carry the State, with reliable Delegates who will be under his own influence, I shall have no objection. I have received strong assurances from Maine & Connecticut & I believe my prospects are fair in New England. I shall do my duty faithfully to myself & my friends; but am determined not to lose a night's rest or a meal's victuals, let the result be what it may. In the mean time prospects are highly propitious. My letters from Washington since the election of Boyd, Forney, & Glossbrenner are truly encouraging. I am stronger in this State than I have ever been.

I would gladly write much more; but my frequent absences from home have caused letters to accumulate so much that the pile is appalling. Please to remember me, in the kindest terms, to Mrs. Garland, Hickman, & the children, & believe me ever to be sincerely & gratefully your friend

JAMES BUCHANAN.

HON: CAVE JOHNSON.

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## TO MISS LANE.[1]

WHEATLAND, near LANCASTER, 12 Dec: '51.

MY DEAR HARRIET/

I have received your letter of the 6th Instant & am happy to learn you are still enjoying yourself at Pittsburg. I have not any news of interest to communicate, unless it be that Mary & Kate Reynolds went to Philadelphia on Wednesday last, & James Henry is to be at home next week. At Wheatland we are all moving on in the old way. My correspondence is now so heavy as to occupy my whole time from early morning until late at night, except when visitors are with me.

[1] Buchanan Papers, private collection. Extracts printed in Curtis's Buchanan, II. 20.

I still continue to be of the same opinion I was concerning the Presidency; *but this is for yourself alone.*

My life is now one of great labor; but I am philosopher enough not to be very anxious.

When you write again, please to inform me whether the Wilkins have called to see you.

With my kindest regards for Mrs. Collins & 'Sis' I remain yours affectionately

JAMES BUCHANAN.

MISS HARRIET LANE.

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## TO MR. JOHNSON.[1]

WHEATLAND, near LANCASTER, 22 Dec: 1851.

MY DEAR SIR/

I have received your favor of the 11th Instant & deplore the sufferings & death of my noble-minded & warm-hearted friend. Death must have been a kind relief to herself & all her friends. It is a melancholy pleasure to reflect that she was resigned to her fate. She is now, I trust, happy. Most sincerely do I sympathise with you for the irreparable loss which you have sustained.

I am sorry you did not get the wheat in good time. It is of an excellent quality. We have but poor prospects of a wheat crop in this Country for the next Season. On account of the extreme drought in the fall, much of our wheat was not sown until very late & this promises better than what was sown earlier: but it is all unpromising. In your climate it may succeed sown so late as the middle of November.

I firmly believe that the Van Burens & leading Barnburners are humbugging our good friend Governor Marcy. Beyond all question their object is through his influence with the Hunkers to elect Delegates from New York whom they can transfer to General Butler at the proper moment. As you observe, they wish to produce as much division as possible among the Northern Candidates, so as to unite all parties at last upon Butler. Benton, Blair, & the Van Burens are intent upon accomplishing this object. The Bradford Reporter, Wilmot's organ, is out already for Butler, & never was there a more unmistakable symptom of what John Van Buren desires. Is it not passing strange to see

[1] Buchanan Papers, Historical Society of Pennsylvania.

the Free-Soilers & Buffalo platform men sustaining a slave-holder for the Presidency? It cannot be denied, however, that Butler might easily be made a strong candidate in Pennsylvania,—much stronger than either Douglas or Marcy, though I should prefer the latter. Our people would far rather vote for a slave-holder than for Marcy, connected as he is now believed to be not in principle but in action with the Van Burens & free soilers. Still very little is said about him as yet in the North.

It appears to me that the wisest & most sagacious men become dunces when seized by a desire for the Presidency. Slidell was in New York last summer & there did me much good. Marcy was sincerely friendly & co-operated with him. The money was subscribed by leading merchants & others to establish a large & powerful Democratic paper on the same principles with the London Times. They had no doubt of being able to make it a leading commercial paper & render it profitable. Forney was to be the political editor on a handsome salary, & it was to support me for the Presidency. At this propitious moment, the Van Burens began to tickle Marcy with the idea of being President himself. His leading friends Culling, O'Conner, Sedgwick & others who were to support me hauled off: *& backed out from the paper, unless it should remain perfectly neutral on the subject of the Presidency.* This they did after an interview with the Governor. I have the information direct from the very rich merchant who had subscribed $10,000 towards its establishment. The whole concern fell through: because my friends had the most money.—Now I do not blame Gov. Marcy for all this: because, as I said before, no man can account for the follies which the Presidential mania may produce. Marcy has rendered himself unpopular with Dickinson & his friends for having united with the Barnburners; & they expect nothing from him but to take advantage of his popularity with the Hunkers, to carry Barnburning Delegates to the Baltimore Convention to be used at the proper time in favor of Butler.

My own prospects, unless I am greatly deceived, never were so bright, & if I am to believe information from Washington, are daily growing brighter. This strength is in great part derived from the general impression that I am strong with all branches of the Southern Democracy. Tennessee going for another man, at the present moment, would be to me a severe blow. I hope you will endeavor to prevent it if possible. The Democracy of Pennsylvania think they have claims on the State of Jackson

& Polk, & they rely with confidence upon Tennessee. My nomination there with either Governor Brown or Nicholson would go far, from its moral influence, to decide the question. My defeat there would place all matters in confusion. Our State is becoming very close. The Tariff is the dangerous question against which we have to contend. General Scott will be a most formidable Candidate in this State. Should the Democracy of Pennsylvania be disappointed, after having waited more than sixty years, he will in all human probability succeed, should the iron interest continue to be as much depressed as at present, against either Douglas or Marcy. To carry it against him would require either military glory or State pride.

Cass would be beaten in this State by any Whig nominee by a large majority. You may ask why? I will tell you. At our late election Judge Campbell, a Catholic & an excellent man, was defeated by fraud at the election as a candidate for our Supreme Bench by Cameron, the Cummingses, & all that corrupt clique who are, par excellence, the special friends of General Cass. They sent circulars over the whole State to clergymen & others for the purpose of exciting prejudices against popery & in this they succeeded to a considerable extent. We have I suppose from 25 to 30,000 Catholic Democratic voters in this State, whose feelings have been deeply wounded by this religious persecution. It is doubtful whether we can ever rally the whole of them again upon any Democratic Candidate: but this would be impossible in regard to Cass, who is now openly & perseveringly sustained by Cameron & his clique. His nomination, you may rest assured, would be the signal of certain defeat in Tennessee.

I write these things confidentially: but they are as true as gospel. I confess I feel much anxiety about Tennessee. Should it go against me, this may prove decisive of my fate. I am determined, however, not to lose "a night's rest or a meal's victuals" on that account.

Please to remember me very kindly to Mrs. Garland & the little boys & girls, & believe me always to be sincerely & respectfully your friend

James Buchanan.

Hon: Cave Johnson.

Upon reading this letter over, you might infer that my feelings have changed towards Marcy. Far from it. Personally I would greatly prefer him to either Cass, Douglas, or Butler. I consider, however, that his success is an impossibility.

## TO COLONEL FALL.[1]

Wheatland, near Lancaster,
24 December 1851.

My dear Sir

I have but this moment received your letter of the 1st Inst. directed to Washington, where it must have lain for some time before it was forwarded to this place.[2] In directing it, I presume you may have supposed I would be in that City, now the great theatre of President making. But this is not my way. I leave my claims, whatever they may be, to an intelligent & patriotic Democracy; & shall be content with their decision, whatever this may be. I should, however, do myself injustice were I not to state that I feel the voluntary kindness & support of friends like yourself far more deeply & gratefully than many who make more glowing professions.

I am sorry I did not receive your letter sooner. I might then have given you the "old fashioned Democratic" answer which you desire. But I am compelled to leave home immediately; & if I should not write at the present moment it will be too late for the 8th January. I must, therefore, be brief.

My public life is before the Country & it is my pride never to have evaded an important political question. The course of Democracy is always straight ahead, and public men never involve themselves in labyrinths except when they turn to the right or the left from the plain forward path. Madison's Report & Jefferson's Kentucky resolutions are the safest & surest guides to

[1] Buchanan Papers, Historical Society of Pennsylvania. This letter was printed in the *Mississippian*, Jan. 9, 1852.

[2] Mr. Fall's letter (now among the Buchanan Papers of the Historical Society of Pennsylvania) was as follows:

Jackson, Miss., Dec. 1, 1851.

Hon. James Buchanan

Sir: As an old Democrat, familiar with your long and useful public career, I desire your elevation to the presidency. Anxious for your nomination and wishing to be instrumental in bringing it about, I should be pleased to receive from you an *old fashioned* democratic letter to be read at our Convention which assembles on the 8th of January next to appoint delegates to the Baltimore Convention.

You will be assured that your interests will be safe in my hands, when I inform you, that I have been the editor of the Mississippian—brief intervals excepted—for twenty years, and am the present State printer.

Yours Respectfully

Geo. R. Fall.

conduct a Democratic administration of the federal Government. It is the true mission of Democracy to resist centralisation, or the gradual absorption of unconstitutional power by the President & Congress. The sovereignty of the States & a devotion to their rights can alone preserve & perpetuate our happy system of Government. The exercise of doubtful & constructive powers on the part of Congress has produced all the dangerous & exciting questions which have imperilled the Union. The federal Government, even confined within its strict constitutional limits, must necessarily acquire more & more influence through the increased & increasing expenditure of public money & hence the greater necessity for public economy & watchful vigilance. Our Constitution when it proceeded from the hands of its framers was a simple system; & the more free from complexity it remains, the more powerfully, satisfactorily & beneficially will it operate within its legitimate sphere. It is centralisation alone which has prevented the French people from establishing a permanent Republican Government & entailed upon them so many misfortunes. Had the provinces of France been converted into separate territorial sovereignties like our State Governments, Paris would then no longer have been France, & a revolution at the capital could not have destroyed the federative Republic.

Had the principles I have enumerated been observed by the Federal Government, & by the people of the several States, we should have avoided the alarming questions which have arisen out of the institution of domestic Slavery. The people of each State would then, to use a homely but expressive phrase, have attended to their own business & would not have interfered in the domestic concerns of their sister States. But on this important subject I have so fully presented my views in the enclosed letter to the great meeting in Philadelphia held in November 1850, that it would be needless to repeat them, even if time would permit.

From your friend very respectfully

JAMES BUCHANAN.

GEORGE R. FALL ESQ.

P. S. You will perceive at once that this hasty letter is not intended for publication. I shall always be glad to hear from you.

## 1852.

## TO MR. NELSON ET AL.[1]

WHEATLAND, near LANCASTER, February 3, 1852.

GENTLEMEN:—

In returning home through your city on Saturday last, I had the unexpected honor of receiving your kind invitation to partake of a public dinner at such time as might best suit my own convenience. For this distinguished and valuable token of your regard, please to accept my most grateful acknowledgments; and, whilst regretting that circumstances, which it would be too tedious to explain, will deprive me of the pleasure of meeting you at the festive board, you may rest assured that I shall ever highly prize the favorable opinion you express of my poor public services.

To the city of Baltimore I have ever been attached by strong ties. In early life I had selected it as the place where to practice my profession; and nothing prevented me from carrying this purpose into effect but my invincible reluctance, at the last moment, to leave my native State. The feeling which prompted me in 1814, during the last war with Great Britain, to march as a private to Baltimore, a circumstance to which you kindly allude, resulted from a patriotism so universal throughout Pennsylvania, that the honor which may fall to the lot of any one of the thousands of my fellow-citizens who volunteered their services on that trying occasion, scarcely deserves to be mentioned.

If I rightly read "the signs of the times," there has seldom been a period when the Democratic party of the country, to which you and I are warmly attached, was in greater danger of suffering a defeat than at the present moment. In order to avert this catastrophe, we must mutually forget and forgive past dissensions, suffer "bygones to be bygones," and commence a new career, keeping constantly in view the ancient and long established landmarks of the party. Most, if not all the great questions of policy which formerly divided us from our political opponents, have been settled in our favor. No person, at this day, thinks of re-establishing another national bank, or repealing the Independent Treasury, or distributing the proceeds of the public

[1] Curtis's Buchanan, II. 26.

lands among the several States, or abolishing the veto power. On these great and important questions, the Whigs, after a long and violent struggle, have yielded: and, for the present, at least, would seem to stand upon the Democratic platform. The compromise measures are now a "finality"—those who opposed them honestly and powerfully, and who still believe them to be wrong, having patriotically determined to acquiesce in them for the sake of the Union, provided they shall be faithfully carried into execution.

On what issues, then, can we go before the country and confidently calculate upon the support of the American people at the approaching Presidential election? I answer unhesitatingly that we must fall back, as you suggest, upon those fundamental and time-honored principles which have divided us from our political opponents since the beginning, and which from the very nature of the Federal Constitution, must continue to divide us from them until the end. We must inscribe upon our banners a sacred regard for the reserved rights of the States—a strict construction of the Constitution—a denial to Congress of all powers not clearly granted by that instrument, and a rigid economy in public expenditures.

These expenditures have now reached the enormous sum of fifty millions of dollars per annum, and, unless arrested in their advance by the strong arm of the Democracy of the country, may, in the course of a few years, reach one hundred millions. The appropriation of money to accomplish great national objects sanctioned by the Constitution, ought to be on a scale commensurate with our power and resources as a nation—but its expenditure ought to be conducted under the guidance of enlightened economy and strict responsibility. I am convinced that our expenses might be considerably reduced below the present standard, not only without detriment, but with positive advantage both to the government and the people.

An excessive and lavish expenditure of public money, though in itself highly pernicious, is as nothing when compared with the disastrous influence it may exert upon the character of our free institutions. A strong tendency towards extravagance is the great political evil of the present day; and this ought to be firmly resisted. Congress is now incessantly importuned from every quarter to make appropriations for all sorts of projects. Money, money from the National Treasury is constantly demanded to enrich contractors, speculators, and agents; and these

projects are gilded over with every allurement which can be imparted to them by ingenuity and talent. Claims which had been condemned by former decisions and had become rusty with age have been again revived, and have been paid, principal and interest. Indeed there seems to be one general rush to obtain money from the Treasury on any and every pretense.

What will be the inevitable consequence of such lavish expenditures? Are they not calculated to disturb the nicely adjusted balance between the Federal and State Governments, upon the preservation of which depend the harmony and efficiency of our system? Greedy expectants from the Federal Treasury will regard with indifference, if not with contempt, the governments of the several States. The doctrine of State rights will be laughed to scorn by such individuals, as an obsolete abstraction unworthy of the enlightened spirit of the age. The corrupting power of money will be felt throughout the length and breadth of this land; and the Democracy, led on by the hero and sage of the Hermitage, will have in vain put down the Bank of the United States, if the same fatal influence for which it was condemned, shall be exerted and fostered by means drawn from the Public Treasury.

To be liberal with their own money but sparing of that of the Republic was the glory of distinguished public servants among the ancient Romans. When this maxim was reversed, and the public money was employed by artful and ambitious demagogues to secure their own aggrandizement, genuine liberty soon expired. It is true that the forms of the Republic continued for many years; but the animating and inspiring soul had fled forever. I entertain no serious apprehensions that we shall ever reach this point, yet we may still profit by their example.

With sentiments of the highest respect, I remain your friend and fellow-citizen,

JAMES BUCHANAN.

To JOHN NELSON, WM. F. GILES, JOHN O. WHARTON, JOHN MORRIS, CARROLL SPENCE, and other citizens of Baltimore.

## TO MR. WISE.

WHEATLAND, near LANCASTER, 4 Feb. 1852.

MY DEAR SIR

I have received your favor of the 25th ultimo, which has been as long on the way as it would have been from New Orleans. The cold weather of which you complain has not frozen your friendship; & I owe you many grateful thanks for the kind interest which you feel in my favor.

From the information which I daily receive, I am convinced you are right in supposing that Virginia [is] with me & I shall be nominated. Unless greatly mistaken in the signs of the times, they point more & more to this result. You, also, think that I have "the voice & heart of two thirds of Virginia's people with me, if they can be allowed fair play." With such an able & energetic champion in my favor as yourself, I know I shall have fair play, despite of the Richmond influence. Why, since you have changed your constitution, not follow the example of other States & hold a State Convention, the delegates composing which to be elected by the Democracy of the different Senatorial & representative Districts? With us, an attempt on the part of our Legislature to interfere with the Presidential election would be denounced by the Democracy of the whole State. It is the plainest inference from the doctrine of State rights, that the voice of a Sovereign State should be heard as such in the National Convention, & that its power should not be frittered away in many discordant voices. New York has elected by Congressional Districts; but this because if they had met in State Convention, they could not have erected a common platform on the subject of slavery.

I would give "a Jew's eye to see you," & why may I not enjoy this pleasure? I wrote to Mason last night accepting his invitation given some time since to pass a few days with him in Richmond, provided I should learn he was at home. In this event, I expect to be in Richmond on Wednesday next, the eleventh, via Washington. I can't leave home before Tuesday & must be here again on Saturday 21st. I shall, therefore, stay but two or at most three days in Richmond, as I desire to pass a few days in Washington on my return. Cannot you contrive to meet me at Richmond or Washington?

[1] From the autograph collection of James A. Chase, Esq., of Hazleton, Pennsylvania.

From authority which I consider quite reliable, Messrs. Meade, Millson, Averett, Bocock, Caskee, Holladay, & Beale of the Virginia Delegation in Congress are my friends. Thompson of Wheeling is the strong friend of Cass; & Bagby is opposed to me. Of the remaining four democrats, Powell, Letcher, Edmundson, & M'Mullen, I know nothing certain. Douglas is, undoubtedly, sinking fast, & Cass is recovering some strength. Parker, who belongs to the Sect of Optimists, sees nothing but benefit to my cause in the re-election of Hunter, though I cannot view it in this light. He may now probably detach himself from Douglas, & but "nous verrons."

I shall act upon your advice in regard to the appeal of Pennsylvania to Virginia. Forney was here the day before yesterday. He says that the Enquirer publishes many articles in my favor & to all appearance treats me as fairly as the other candidates. Our friend John Y. Mason is now far more friendly to me than he has ever been. Again let me express my ardent desire to see you at Richmond. The moment I receive Mason's letter in answer to mine, I shall drop you a line. Deo volente, in any event, I shall leave for Washington on Tuesday next, as I must be at home on Saturday the 21st Instant or at furthest the Monday following.

From sources entirely reliable at Nashville, I am informed that a decided majority of the Tennessee Delegates to the National Convention are my friends & were elected for this very reason.

From your friend very respectfully

JAMES BUCHANAN.

HON. HENRY A. WISE.

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## TO MR. LEAKE ET AL.[1]

RICHMOND, February 12, 1852.

GENTLEMEN:—

On my arrival in this city last evening I received your very kind letter, welcoming me to the metropolis of the Old Dominion and tendering me the honor of a public dinner. I regret—deeply regret—that my visit to Richmond will necessarily be so brief

[1] From the Lancaster *Intelligencer*, Feb. 24, 1852, reprinted in Curtis's Buchanan, II. 24

that I cannot enjoy the pleasure and the privilege of meeting you all at the festive board. Intending merely to pass a day with my valued friend, Judge Mason, my previous arrangements are of such a character that I must leave here to-morrow, or, at the latest, on Saturday morning.

But whilst I cannot accept the dinner, I shall ever esteem the invitation from so many of Virginia's most distinguished and estimable sons as one of the proudest honors of my life. Your ancient and renowned commonwealth has ever been the peculiar guardian of State rights and the firm supporter of constitutional liberty, of law, and of order. When, therefore, she endorses with her approbation any of my poor efforts to serve the country, her commendation is a sure guarantee that these have been devoted to a righteous cause.

You are pleased to refer in favorable terms to my recent conduct "at home in defence of the Federal Constitution and laws." This was an easy and agreeable task, because the people of Pennsylvania have ever been as loyal and faithful to the Constitution, the Union, and the rights of the sovereign States of which it is composed, as the people of the ancient Dominion themselves. To have pursued a different course in my native State would, therefore, have been to resist the strong current of enlightened public opinion.

I purposely refrain from discussing the original merit of the Compromise, because I consider it, to employ the expressive language of the day, as a "finality"—a fixed fact—a most important enactment of law, the agitation or disturbance of which could do no possible good, but might produce much positive evil. Our noble vessel of State, freighted with the hope of mankind, both for the present and future generations, has passed through the most dangerous breakers which she has ever encountered, and has triumphantly ridden out the storm. Both those who supported the measures of the Compromise as just and necessary, and those who, regarding them in a different light, yet acquiesce in them for the sake of the Union, have arrived at the same conclusion—that it must and shall be executed. They have thus, for every practical purpose, adopted the same platform, and have resolved to sustain it against the common enemy.—Why, then, should they wrangle, and divide and waste their energies, not respecting the main question, which has already been definitely settled, but in regard to the process which has brought them, though from different directions, to the same

conclusion? Above all, why should the strength of the Democratic party of the country be impaired and its ascendency be jeoparded for any such cause? We who believe that the triumph of Democratic principles is essential not only to the prosperity of the Union, but even to the preservation of the Constitution, ought reciprocally to forget, and, if need be, to forgive the past, and cordially unite with our political brethren in sustaining for the future the good old cause of Democracy. It must be a source of deep and lasting pleasure to every patriotic heart that our beloved country has so happily passed through the late trying and dangerous crisis. The volcano has been extinguished, I trust, forever; and the man who would apply a firebrand, at the present moment, to the combustible materials which still remain, may produce an eruption to overwhelm both the Constitution and the Union.

With sentiments of high and grateful respect,

I remain your fellow citizen,

JAMES BUCHANAN.

To SHELTON F. LEAKE, ESQ., and other gentlemen.

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## TO MISS LANE.[1]

WHEATLAND, near LANCASTER, 24 Feb: 1852.

MY DEAR HARRIET/

On my return home from Richmond & Washington on the day before yesterday I received yours of the 9th Instant. I am truly gratified that you have enjoyed your visit to Pittsburg so much. It is a city to which I am warmly attached. I have no desire that you shall return home until it suits your own inclination. All I apprehend is that you may wear out your welcome. It will be impossible for me to visit Pittsburg & escort you home. I fear that Mrs. Baker is staying too long with Mrs. Plitt, as I heard that she & Mr. Plitt had been expected at Washington.

Senator Gwin misinformed me as to the value of Mr. Baker's office. The salary attached to it is $4000 per annum. He thinks that Mrs. Baker ought by all means to go to California. . . .[2] I have not seen Eskridge since my return. . . .[3]

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[1] Buchanan Papers, private collection; Curtis's Buchanan, II. 20.

[2] The passage here omitted is now illegible.

[3] A purely personal paragraph is here omitted.

Whilst in Washington I saw but little of the fashionable society. My time was almost constantly occupied with the politicians. Still I partook of a family dinner with the Pleasontons, who all desired to be kindly remembered to you. I never saw Clem looking better than she does & they all appear to be cheerful. Still when an allusion was made to her mother, she was overcome at the table & had to leave it. Mr. Pleasonton is evidently in very delicate health, though he goes to his office.

I called to see Mrs. Walker, who inquired very kindly for you; & so did Col: King & others.

The mass of letters before me is "prodigious," & I only write to shew that you are not forgotten.

Yours affectionately

JAMES BUCHANAN.

MISS HARRIET LANE.

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## TO MISS LANE.[1]

WHEATLAND, near LANCASTER, 13 March 1852.

MY DEAR HARRIET/

I have received yours of the 9th Inst. It was difficult to persuade you to visit Pittsburg; but it seems to be still more difficult for you to leave it. I am, however, not disappointed in this particular; because I know the kindness and hospitality of the people. There is not a better or more true hearted man alive than John Anderson; & his excellent wife well deserves such a husband. Make out your visit, which it is evident you purpose to continue until the middle of April; but after your return home, I hope you will be content to remain at home during the summer. The birds are now singing around the house & we are enjoying the luxury of a fine day in the opening spring.

Miss Hetty has just informed me that Mrs. Lane gave birth to a son a few days ago which they call John N. Lane. She heard it this morning at market from Eskridge whom I have not seen since last Sunday week. I hope he will be here tomorrow.

The new Court House is to be erected on Newton Lightner's Corner. Its Location has caused much excitement in Lancaster.

[1] Buchanan Papers, private collection.

It enables your sweetheart Mr. Evans, Mr. Lightner, & Mr. Shroder to sell their property to advantage.

We have no other news.

Yours affectionately

JAMES BUCHANAN.

Miss Harriet Lane to me; but Miss *Harriette* to the rest of man & womankind. Mary is still at Mrs. Plitt's.

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## TO MR. WISE.[1]

WHEATLAND, near LANCASTER, 18 March 1852.

MY DEAR SIR,

The Virginia Convention approaches & I am more & more sensible every day that its decision may determine my fate. With Virginia in my favor I shall be nominated, if against me the result is extremely doubtful. On your friendship, eminent abilities, & persevering energy, I chiefly rely for a safe deliverance. The really insignificant but noisy faction of my enemies in this State will by circulating their Guerilla Sheet, the Harrisburg Keystone, & by sending emissaries to Richmond, endeavor to produce the impression that if nominated I could not carry my own State. This is simply ridiculous. If any other candidate can carry the State by 5,000, the candidate of Pennsylvania can carry it by 15,000. Ex-Governor Porter, with whom & whose high character I presume you are well acquainted, has private business about this time at Richmond. I shall go to Harrisburg today on a visit & expect to see him there. He may perhaps be in Richmond at or before the sitting of your Convention & he knows the State of Pennsylvania & its leading politicians better than any man living. He will be able to give you accurate & reliable information on the subject of my strength at home & the reckless & disorganising character of the opposition.

I perceive that the Richmond Enquirer has issued its mandate to the Convention forbidding them to express any preference for the Presidency. This, I presume, is in the interest of Cass & Stevenson. The latter, I have heard, has expressed the opinion that the Virginia Delegates will act as they did in 1848,

[1] Buchanan Papers, Historical Society of Pennsylvania.

& will secure the nomination of Cass by carrying with them the votes of the other Southern States.

All the political sins charged against me are now more than thirty years old & preceded my first entry into Congress in December, 1821. The enclosed slip from the Lancaster Intelligencer of July 8th, 1851, enumerates & refutes them all, except "the drop of blood lie." This has been contradicted by myself over & over again, & when the charge was made against me in 1838 by Mr. Cox, an Anti-Masonic Delegate to our State Convention, it was promptly denounced as a falsehood by two distinguished members, one of them a political opponent, who had known me in Lancaster from before 1815, to which year the charge refers, until many years thereafter. In addition to this, after the charge of Mr. Cox thirty of the most respectable citizens of Lancaster without distinction of party, in my absence & without my knowledge, got up a certificate of its falsity, which has been published and republished. Mr. Stanly of North Carolina alluded to the subject in debate in January, 1840; but upon learning the falsity of the charge, had the manliness to retract it a few days after. There never was a more unfounded falsehood.[1]

During the whole long period of my public life, commencing in December, 1821, I have never shirked any important question, but have met them all fairly in the face, & I do not fear to be judged by the record.

I shall look with much anxiety for the result of the Virginia Convention; but whatever this may be, I am philosopher enough not to suffer it to cost me "a night's rest or a meal's victuals." In any event, your exertions in my favor shall ever remain deeply engraven on my heart.

From your friend very respectfully

James Buchanan.

Hon: Henry A. Wise.

[1] The so-called "drop-of-blood lie" was a story to the effect that Mr. Buchanan, when a young man, in the days when he was a Federalist, declared on a certain occasion, at the court-house in Lancaster, "If I knew I had a drop of Democratic blood in my veins, I would let it out." A charge to this effect was made in the Pennsylvania constitutional convention in 1838 by Mr. J. F. Cox, who afterward repeated it in a letter published in the Pennsylvania *Inquirer and Courier*, Feb. 20, 1838. In a letter dated at Washington on the following day, to the editor of the same journal, Mr. Buchanan denounced the charge as a "stale slander," and "a ridiculous story, without the shadow of foundation." In an article from the San Francisco *Daily Sun*

[Enclosure.]

Published in Lancaster Intelligencer and Journal, July 8, 1851.

THE KEYSTONE AND LANCASTERIAN.

These affiliated presses were brought into existence for no other purpose than to abuse and denounce Mr. Buchanan. That they may do this the more effectually they assume the title of Democratic presses, whilst slandering the man who for many long years had enjoyed the unbounded confidence and the highest official rewards of the Democracy of Pennsylvania—having received the unexampled honor in our state of three successive elections to the senate of the United States, by purely Democratic votes. Can they expect that the intelligent Democracy of Pennsylvania will, at their bidding, become like themselves inconsistent, and proscribe the man whom they have so long sustained by their generous support? As well might journals who under the mask of Democracy should personally abuse General Cass in Michigan, Judge Woodbury in New Hampshire, Judge Douglas in Illinois, Gen. Houston in Texas, or General Butler in Kentucky, attempt thus to succeed in destroying the fair fame of these eminent Democrats and accomplished statesmen.

The Keystone is under the control of a shrewd, sagacious, and cunning man, who has no passions and prejudices beyond self-interest, and who well knows that he can never use Mr. Buchanan for any but honorable purposes, should he be elected president. Not so the Lancasterian. It is under the control of a gentleman who, to say the least we can, is a very excitable person, and whose passions are apt to get the better of his judgment. These have necessarily led him into the meshes prepared by the very man who in his better days he denounced more bitterly, if possible, than he has since denounced Mr. Buchanan. These passions will eventually, we fear, much to our regret, for we have always esteemed the man, land him in the Whig party; and from present appearances we should not be astonished if this should be his destination much sooner than we had or he had himself anticipated. Quite as strange things have occurred in the political history of Pennsylvania.

These two presses, well knowing that their attempts to injure Mr. Buchanan have only recoiled upon themselves and aroused his friends to action, and have made him stronger than he ever was before with the Democracy of Pennsylvania, are now as a last resort endeavoring to convince the South, that it would be in vain for them to support him, because, forsooth, he cannot obtain the vote of Pennsylvania! There is not an unprejudiced man in the commonwealth who does not know this assertion to be unfounded, and that if he cannot obtain the vote of this state, no other Democrat in existence could have any chance of receiving it. The South

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of Sept. 23, 1856, a copy of which is among Mr. Buchanan's papers, it is stated that "Mr. Cox himself subsequently acknowledged his error, and became one of the warmest admirers and supporters of Mr. Buchanan." The same journal quoted an editorial from the New York *Tribune* of June 7, 1856, saying, with reference to the story above mentioned: "We do not think any one who knew Mr. Buchanan can have ever credited this tale. There is not a man living more unlikely to make rash, silly speeches than he is." See, also, Mr. Buchanan to the editor of the Harrisburg *Reporter*, May 12, 1837, supra.

are not to be deceived by such pretexts. They are already wide awake to the wiles of the Keystone and Lancasterian and their confederates.

We have been induced to make these remarks by an article in a late number of the Keystone, copied of course into its affiliated press the Lancasterian, entitled "Mr. Buchanan and the South." This article presents the strength of their case against Mr. Buchanan, and happy must that public man be against whom nothing more plausible can be scraped together throughout a long and distinguished public life. It does not contain a single charge of any want of fidelity to Democratic principles during the whole period of his long public career, from the first Monday of December, 1821, when he first entered Congress, until the present hour, a period of nearly thirty years. During this whole time his bold and onward consistency, his steady devotion to principle in the storm as well as in the sunshine, has never been questioned by friend or foe. Not one of his public acts during this long and eventful period has ever been assailed by the Democratic party, and throughout he has always enjoyed the confidence of and has been offered high office by every Democratic President.

Of what then is this article entitled "Mr. Buchanan and the South" made up? The 4th of July oration of 1815 delivered thirty-six years ago (which we believe has been published and republished over and over again by the most rabid of the Whig presses in years gone by), constitutes the principal staple of the article. The Whigs have long since ceased to publish this oration, and it is taken up by presses calling themselves Democratic. It has been twice published in the Lancasterian, and by evincing the personal malevolence and spirit of persecution of its controlling spirit has served to strengthen instead of weakening Mr. Buchanan in Pennsylvania. As well might the Apostle Paul, to use the language of a well known gentleman, be denounced for acts done before his conversion, as Mr. B. for what he said in his youthful days, so long ago as 1815. Besides, it is well known he was ever in favor of prosecuting the war against Great Britain with the utmost vigor, and he himself volunteered his services and performed duty in 1814 as a private soldier, and whilst in the Legislature of 1814–1815 he supported all measures which he deemed most efficient to bring the war to a speedy and honorable conclusion.

But Mr. Buchanan in 1819 or 1820 was one of the members of a committee of which his legal preceptor, the late Mr. Hopkins, was chairman, which, under the influence of the excitement then universal in Pennsylvania, reported resolutions to a public meeting in this city, against the Missouri Compromise; and this it is expected by the controllers of the Keystone and Lancasterian, will cancel his uniform, consistent, and able support of the constitutional and just rights of the South in regard to slavery, ever since he entered Congress nearly thirty years ago. Now we venture the assertion that he has made more speeches in the defence of those rights, both in the Senate of the United States and in Pennsylvania, than any man living at the present day.

We could not have supposed that the personal malignity even of the Keystone and Lancasterian, hyena-like, would have attempted to revive the subject of the Carter Beverly affair, which had long since been consigned to the tomb. Mr. Buchanan's letter explanatory of that affair, dated 8th August, 1827, and published in the Lancaster Journal, which we have recently perused, was considered so abundantly satisfactory, that the papers of both political

parties were content with it. In October, 1828, he was elected to Congress as the Democratic candidate, in the district of which Lancaster county formed a part, by a large majority; and the illustrious hero and statesman, Gen. Jackson, in 1831 voluntarily tendered Mr. B. the Russian Mission, and ever since until the day of his lamented death was his constant friend. Among the last acts of his patriotic life he strongly concurred with Mr. Polk in the opinion that Mr. B. ought to be appointed secretary of state. And yet the controllers of these two journals, from personal hostility, seek at this late day to bring the great name of Andrew Jackson before the Democracy of this state for the purpose of prejudicing them against Mr. Buchanan.

Again, it is sought to connect the name of Mr. Buchanan with the amendment proposed last session of Congress to the tariff act of 1846, by Mr. Strong, the able and distinguished representative from Berks county. There is not the least foundation for this attempt, as Mr. Strong himself has repeatedly declared. We are assured that Mr. Buchanan never knew and never heard of this amendment until after it was offered; and, being in Washington at the time, publicly and repeatedly declared that he had the misfortune to differ with his friend Mr. S. in regard to its merits.

Then the Keystone and Lancasterian in their malice even brought forward, though without directly endorsing its truth, the stale and ridiculous slander circulated by the lowest of the Whig party during the Log Cabin and Hard Cider campaign of 1840, that Mr. Buchanan had used in argument, in favor of the great Democratic measure of the Independent Treasury, that it would reduce the wages of labor to ten cents per day. This slander was indignantly denied at the time by every Democratic journal throughout the Union, and by none was it denounced with more emphatic reprobation than by Mr. Blair, the veteran Democratic editor of the Washington Globe, who says he heard every word of the speech, and bestowed upon it his warmest commendation, as his paper will show.

This charge is as absurd as it is false, because the principal head of Mr. Buchanan's argument was to establish the proposition that the Independent Treasury would not reduce the wages of labor but benefit the laboring man,—in opposition to Mr. Clay, who contended it would reduce the wages of labor and injure the laboring man. This, in fact, was the issue between the two parties. The slander is not only without foundation, but in direct opposition to the direct tenor of the speech. In 1840 this speech of Mr. B.'s, which was unquestionably one of the ablest he ever made, was circulated by hundreds of thousands over the Union by the Democratic members of Congress, for the purpose of proving the wisdom and justice of an Independent Treasury, which experience has now established. In 1851 two professed Democratic journals present to their readers the forgotten Whig slanders against it, for the purpose of disparaging its author in the eyes of his countrymen. Strange inconsistency for true Democrats; but altogether in character for pretended ones who would sacrifice their party to gratify personal malignity.

But last though not least comes the famous "Bundel letter," which has been published over and over again in the Lancasterian. And what does it amount to? After Mr. Buchanan had actually resided nearly a year in Washington, Mr. Bundel, the assessor of taxes, singularly enough enquired of him by letter whether he considered himself a resident of Lancaster. To this Mr. Buchanan made the only possible reply, that he had removed from

Lancaster nearly a year before and had since been an actual resident of Washington, where his official duties required him to reside. This fact must have been known to every man, woman, and child in Lancaster; the county commissioners, acting in obedience to the laws of the commonwealth, decided that his personal estate was not subject to taxation whilst he was a resident of the District of Columbia. But it was at once proclaimed by the Lancasterian, whose controller refused to take the obvious distinction between residence and citizenship, that Mr. Buchanan had denied he was a citizen of Pennsylvania, and had expatriated himself and become a foreigner to the state of his birth. This ridiculous nonsense has been harped upon ever since, together with the assertion that Mr. Buchanan, known to the world for his liberality, had denied his citizenship for the purpose of getting clear of a personal tax, which, we venture to say, was never thought of being assessed upon the citizen of any other state during his actual residence as a cabinet officer in Washington. But this fact it carefully concealed that Mr. Buchanan never profited by this exemption to the value of a single cent, but added the amount of the tax to the liberal donation which he made to the poor widows of Lancaster, to supply them with fuel during the winter season.

We have now answered the attacks of the Keystone and Lancasterian in detail, and must apologise to our readers for occupying so much room. We thought it necessary, but promise not to inflict the same thing again upon them. The efforts of the two papers in question to blast Mr Buchanan in the affections of the Democracy of Pennsylvania will prove unavailing. They have long known him well, and the country knows him well. Indications from every section of the Union point to him as the next Democratic candidate for president. All that is wanting to accomplish this object is the support of the Democracy of his native state; and we will venture to predict that he will receive this at the next Fourth of March by an overwhelming majority. Pennsylvania will at last be honored by the election of one of her own sons as president of the United States.

To show what value is put upon this essay of the Keystone abroad, we clip the following notice from the Easton, Md., "Star":—

"We have received a number of the Keystone, published at Harrisburg, containing an elaborate article on 'Mr. Buchanan and the South.' If the editor of the Keystone supposes he can injure Mr. Buchanan in the estimation of true Democrats by his assaults, he is mistaken. The efforts of those who are the especial friends and endorsers of Simon Cameron can have but little weight with all honest reflecting men. He may rest assured that when he places himself before the public as the especial friend and champion of one who is unsound upon a cardinal doctrine of the Democratic party in this country, his profession of orthodoxy on other points will be passed by as totally unworthy of credit. Unlike Mr. Buchanan, his change has been from good, and not the reverse. We would especially invite his attention to Gen. Jackson's opinion of the great leader of the Anti-Buchanan forces in the Keystone state. In it he will find quite as ample food for reflection as in the letter which he quotes against Mr. Buchanan from the old Hero's letter to Carter Beverly. If Mr Buchanan has been inconsistent in his political course, he has never attempted to run with both 'hounds and hare,' or to bribe himself into office. And a defender of his country in 1812 is entitled to at least more respect than that which has been bestowed upon Mr. Buchanan by the Keystone."

## TO MR. JOHNSON.[1]

Wheatland, near Lancaster, 30 March 1852.

My dear Sir

I have too long delayed to acknowledge your very kind & satisfactory letter after the Nashville Convention. This was chiefly because I had really nothing of the least importance to communicate. It was certainly not for the reason that you are not freshly and kindly remembered. In our small family circle, you & the incidents of your visit to Wheatland & the excellent lady who has left us are very often the subjects of the kindest conversation.

Our fourth of March Convention has passed away & we have had time to witness the effect of its proceedings. Notwithstanding the efforts which are still made by my enemies to misrepresent my strength at home in distant States, I can now assure you, with perfect confidence, that the masses of the Democracy of Pennsylvania are thoroughly aroused,—that State pride predominates; & that after waiting for more than sixty years, they are determined to make such an effort as they have never made before to obtain the nomination. In case they should succeed, my friends in all parts of the State assure me that we shall give an old fashioned Jackson Democratic majority. In this, Lancaster County, which is the strongest hold of Whiggery in the Union, the Whig majority would be greatly reduced; & should Fillmore or Webster be the candidate, might be altogether overcome. Indeed many believe, that should Scott be the candidate, as he will certainly be, State pride & personal popularity might be necessary to secure Pennsylvania against military glory & the connection of his name with a Whig protective Tariff.

Of one thing, however, I am certain, & *you may mark my prediction.* Should Cass be the Candidate, we shall be beaten in this State. This result is inevitable. I certainly do not prefer Douglas to Cass. Indeed I believe that the administration of both would be equally loose & equally irrespective of the sound, radical, & economical State rights principles on which our party was founded & to which it ought to be restored. Still, that of either would be infinitely better than the best Whig administration. Three causes would mainly combine to defeat Cass.

1. The efforts of all the leading politicians of the State could

[1] Buchanan Papers, Historical Society of Pennsylvania.

not give him the Democratic Catholic vote, which is not less than from 20 to 25,000. His close identification with Cameron & his clique who defeated Judge Campbell, by exciting protestant prejudices against him because he was a Catholic, would insure this result. Besides, the course of General Cass in regard to Kossuth would render the opposition of the Catholics still more bitter & determined.

2. The few papers in the State friendly to Cass, the Keystone, Lancasterian, & the Pennsylvania Statesman (the latter now dead) have been so violent & proscriptive & personally abusive against myself and my friends, without the least provocation on the part of the Democratic Press generally, that it would be impossible to induce the masses to support him with energy & enthusiasm.

3. The fact that he was beaten in 1848, 24,715 votes, that is to say 13,452 by Taylor, & Van Buren received 11,263 votes, would discourage our people & throw the floating vote to his competitors.

I believe that we may probably carry the State for any of the other Candidates; but never for Cass. This fact would be made known; but it might appear as if we were disparaging one of the Democratic Candidates whom every leading man would strongly support in case he should be nominated.

My letters from Richmond all concur in stating that two thirds of the Delegates in the late Virginia Convention were my friends. The President of the Convention, John S. Barbour, & a large majority of the other officers strongly favored my nomination. The minority was chiefly composed of ardent & active friends of Douglas & "Young America." There were a few friends of Dallas & a still less number favorable to Cass. He has, at present, but little strength in Virginia. His course on the Kossuth question has done him great injury there: but that of Douglas was the very same; however, "Young America" can stand this. You will be pleased to learn that John Y. Mason is my open & decided friend.—Still the Convention did not instruct, & as in Tennessee, the question has been left open for all the misrepresentations of the friends of other candidates.

The malice of William F. Polk against me is as bitter & malignant as if it were founded upon a personal grudge. I have never done the man any thing but good in my life. I was mainly instrumental, in connection with Foster, in overcoming the scruples of his brother against his renomination, & treated him

in conducting the business of his mission as kindly as if he had been my own near relative. I had supposed that nothing but friendship existed between us, until after he took his seat in the House of Representatives. Since that time, he has been constantly abusing me. I send you the reply which was published in the Lancaster Intelligencer to the article in the Keystone which was franked by him. It is taken from a late number of the Richmond Inquirer of March 24th. Perhaps it might be republished in Tennessee with advantage.

And now, my dear Sir, so far as General Cass is concerned, I have written you such a letter as I have never written to any other friend except Col: King. It is the sober truth. Should he be nominated, he must be elected without the vote of Pennsylvania. For my own part, I can say that I look forward to the decision of the Baltimore Convention with the most agreeable anticipations, no matter what may be the result. I have carried my own State triumphantly, have recovered the popularity which I lost during Mr. Polk's administration, & am now more popular in the Keystone than at any former period.

If nominated, very well: if not, with the blessing of Providence, I may look forward to a few years of peace & tranquillity before "shuffling off this mortal coil." I shall then write a book & review some of the old scenes through which I have passed. Of course, as a private citizen, I shall always sustain the principles & nominees of the Democratic party.

Mr. Balch writes "couleur de rose" about Tennessee. He gives me reason to hope that you will be at the Baltimore Convention. I anxiously trust that his hope may be verified & that I may enjoy the pleasure of seeing you once more at Wheatland. I should be very much gratified to make the personal acquaintance of General Polk.

Please to remember me, in the very kindest terms, to Mrs. Garland & the little boys & girls, especially to my friend Hick, & believe me ever to be sincerely & respectfully your friend

JAMES BUCHANAN.

HON: CAVE JOHNSON.

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## TO MR. JOHNSON.[1]

WHEATLAND, near LANCASTER, 20 May 1852.

MY DEAR SIR,

On opening the Union last night I found that you had arrived in Washington. I am truly sorry you did not pass this way; but trust that you will not return to your distant home without affording me the pleasure of seeing you once more.

I have not yet enjoyed the pleasure of a visit from Mr. Picket.

I am more and more confirmed in the opinion, I may say conviction, that the nomination of Cass is our certain defeat in this State. Against Scott, the result would be inevitable. I am very sorry he did not adhere to his pledge given to the last national Convention, that no circumstances could possibly arise which would induce him again to permit his name to be brought forward in connection with the Chief Magistracy of the Country. *His inclination and his sense of duty equally dictated this course.* These sentiments he several times repeated to me. He is now three score and ten—beyond which, the good book says, if human life be extended, it is "labour and sorrow." And yet he is more eager to obtain the nomination and has made more personal efforts to accomplish it than all his predecessors united. Should he succeed, I shall consider the party doomed; and that for many years to come, at least in this State. I think we might indulge good hopes with any other candidate even against Scott, particularly if he enjoyed a little military reputation.

I need not trouble you with speculations concerning my own prospects. You are at the receipt of custom and know all. Suffice it to say that I consider them fair. I am glad the time for decision is so near at hand which will determine my fate. I shall be satisfied with any result. I have much more to say: but company has just arrived and I will not let a mail pass without welcoming you to this part of the world. In haste, I remain as ever, truly and gratefully your friend.

JAMES BUCHANAN.

HON: CAVE JOHNSON.

[1] Buchanan Papers, Historical Society of Pennsylvania.

## FROM MR. KING.[1]

SENATE CHAMBER, May 20th, 1852.

DEAR BUCHANAN

I have consulted with many of your friends here and particularly with old Cave Johnson, who takes as great an interest in your success as I do, or any other man can, and withal is a discreet and prudent man, and after weighing deliberately all the consequences which might result from your visiting Washington at this time, have come to the conclusion that you should not subject yourself to the efforts which would probably be made to commit you, not only as to measures, but even to appointments, which your self respect would compel you to refuse, and thus probably give offence to some, who are now your Friends, and furnish a pretext to others to take ground against you.

While I can but regret that our Delegates from the South will be deprived of the pleasure of becoming personally acquainted with you, I can but concur in the correctness of the view taken by Johnson, Toucey, and other Friends, Govr. Porter included. Some weeks past I almost despaired of your nomination, in consequence of the defection of New Jersey. I think now, and I am much rejoiced so to think, that your prospects are brightening, and if the South steadily adheres to you, as I cannot doubt it will, you can and will be nominated.

Your Friend sincerely

WILLIAM R. KING.

HONBLE. JAMES BUCHANAN.

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## TO GENERAL PORTER.[2]

WHEATLAND, near LANCASTER, June 4, 1852.

MY DEAR SIR:—

From the result of the ballotings yesterday, I deem it highly improbable that I shall receive the nomination. The question will doubtless be finally decided before this can reach you; and I desire to say in advance that my everlasting gratitude is due to the Pennsylvania delegation, the Virginia delegation, and the other Southern delegations for their adherence to me throughout the ballotings of yesterday. I can say, with the most sincere truth, that I feel far more deeply the disappointment of my friends than my own disappointment. This has not, and will not, cost me a single pang. After a long and stormy public life, I shall go into final retirement without regret, and with a perfect consciousness that I have done my duty faithfully to my country

[1] Buchanan Papers, Historical Society of Pennsylvania.

[2] Curtis's Buchanan, II. 30.

in all the public situations in which I have been placed. I had cherished the belief that the Democracy of Pennsylvania had claims upon the Democracy of the country, which if asserted by the proper men in the proper spirit would be recognized in my favor. It seems I have been entirely mistaken both as regards my own standing and the influence of my State. I should not have believed this, had not our claims been presented and urged by a faithful and able delegation, fully equal, if not superior, to any which it was in the power of the State to send.

It is possible, should the nomination for the Presidency fall upon a Southern gentleman, that a proposition may be made to give Pennsylvania the Vice Presidency. Should such a contingency arise, which is not very probable, I shall not, under any circumstances, consent to the employment of my name in connection with that office. Indeed should I be nominated for it by the convention, *I would most assuredly decline*. It is the very last office under the Government I would desire to hold, and it would be no honor bestowed on good old Pennsylvania to have it conferred upon one of her sons.

When I speak of final retirement, I only mean that I shall never hold another office. I shall always feel and take an interest in favor of the Democratic cause; and this not only for the sake of principle, but to enable me to serve friends to whom I owe so much.

From your friend, very respectfully,

JAMES BUCHANAN.

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## FROM MR. PIERCE.[1]

CONCORD, N. H., June 15, 1852.

MY DEAR SIR

Few events could have taken me more by surprise than my nomination at Baltimore. It is true that I had been nominated by our State Convention, but I regarded it rather as an ebullition of State pride on the part of the delegates, & a compliment to myself, than in any other light. Still there was no point of view in which I could have regarded it that would have deterred me from declining as I did immediately after the Convention. I beg you to accept my sincere thanks for your frank & noble letter read at the ratification meeting at Washington. You will believe [me] when I say that there was never a moment when your nomination would not have afforded me more pleasure than that which was made. I shall never cease to remember with

[1] Buchanan Papers, Historical Society of Pennsylvania.

the just pride of an American citizen the exhibition of your unrivalled abilities on a variety of occasions of vast interest—nor to appreciate with glowing gratitude the signal services you have rendered to the Country, by your firm, national, patriotic course.

Truly yr. friend FRANK. PIERCE.

HON. JAS. BUCHANAN
Lancaster, Pa.

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## TO MR. PIERCE.[1]

WHEATLAND, near LANCASTER, 21 June 1852.

MY DEAR SIR/

On my return home on Saturday evening after a brief absence, I found your kind & friendly letter of the 15th Instant. I feel much gratified that you entertain so favorable an opinion of myself. Laus est a te laudari. My own defeat, I can assure you, did not cost me a single pang. The Presidency, although a crown of honor far more glorious than that of any monarch in Christendom, is also a crown of thorns. It made James K. Polk an old, grey headed man in four years. My friends having failed in obtaining that for me which I never anxiously desired, I heartily rejoice in your success; because I know you to be an inflexible State rights Democrat of the Old Jeffersonian School. The Federal Government for some years past has been rapidly becoming more & more extravagant in its expenditures. The hosts of contractors, speculators, stock jobbers, & lobby members which haunt the halls of Congress, all desirous per fas aut per nefas on any & every pretext to get their arms into the public Treasury, are sufficient to alarm every friend of his Country. Their progress must be arrested, or our Government will soon become as corrupt as that of Great Britain.

We have difficulties to encounter in Pennsylvania which it would be tedious to explain; but yet I trust we shall be able to give you the State. Should Fillmore or Webster be nominated, I shall not apprehend any serious difficulty.

I heartily desire your success & shall do all that becomes me to promote your election.

With my kindest regards for Mrs. Pierce, I remain very respectfully your friend

JAMES BUCHANAN.

GENERAL FRANKLIN PIERCE.

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[1] Buchanan Papers, Historical Society of Pennsylvania.

## TO MR. JOHNSON.[1]

WHEATLAND, near LANCASTER, June 24, 1852.

MY DEAR SIR:—

If it were possible for me to complain of your conduct, I should give you a good scolding for not performing your promise. We were all anxiously expecting you at Wheatland from day to day; and if you had informed me you could not come I certainly should have met you in Philadelphia. I was very anxious to see you, and now God only knows when we shall meet. Whilst life endures, however, gratitude for your friendship and support shall remain deeply engraved on my heart.

I never felt any longing or anxious desire to be the President, and my disappointment did not cost me a single pang. My friends were faithful and true, and their efforts deserved if they could not command success. Personally, I am entirely satisfied with the result. When opportunity offers, I hope you will not fail to present my grateful acknowledgments to Generals Lafe[illegible] and Polk, and to Messrs. Smith, Thomas and Shepherd, for their kind and valuable support in the hour of trial.

It is vain to disguise the fact that Pennsylvania is, to say the least, a doubtful State. I much fear the result. If defeated, no blame shall attach to me. I will do my duty to the party and the country. Both personally and politically General Pierce and Colonel King are highly acceptable to myself. What an inconsistent race the Whigs are! They have now ostensibly abandoned their old principles, and placed themselves on the Democratic platform—Fugitive Slave Law and all. From this we may expect river and harbor improvements intended to catch the Southwest; and such a modification of a revenue tariff as they knew would exactly correspond with the wishes of the Democratic ironmasters of Pennsylvania. I, however, indulge the hope, nay, the belief, that Pierce and King can be elected without the vote of Pennsylvania.

I was in my native county of Franklin a few days ago, and whilst there went to see a respectable farmer and miller, who had ever been a true and disinterested Democrat. I had been told he would not vote for Pierce and King, and being both a personal and political friend of my own, I thought I could change

[1] Curtis's Buchanan, II. 40.

his purpose. In conversation he very soon told me he would never vote for Pierce. I asked if he would abandon the principles of his life and vote for the Whig candidate. He said he never had given and never would give a Whig vote. I reasoned with him a long time, but in vain. He said the Democracy of the country ought not to suffer the national convention to usurp the right of making any man they pleased a candidate before the people. That if the people yielded this, then a corrupt set of men who got themselves elected delegates, might, in defiance of the people's will, always make a President to suit their own views. That the Democracy had but one mode of putting this down, and that was, not to ratify the choice of the convention. He said that for himself he had felt very much inclined to oppose Mr. Polk for this reason, but had yielded and given him a cordial support; but if the same game were successfully played a second time, then the national convention and not the people would select the President, and the most gross corruption and fraud would be the consequence. He disliked both General Cass and Mr. Douglas: but said he would have supported either, because they were known, their claims had been publicly discussed, and each had a large body of friends in the Democratic party, and there must be a yielding among the friends of the different candidates brought forward by the people of the country.

These were the reasons which my friend gave in the course of a long conversation. I state them to you, not that the withholding of his individual vote is of any great importance, but to show how many Democrats feel. I had heard the same reasons before among the people, but not so fully discussed; and my letter, published in the *Union* of yesterday morning, had a special view to these objections.

They could have scarcely made a respectable fight against me in Pennsylvania. In many counties my nomination would have shivered the Whig party. In this county, where the Whig majority at a full election is 5,000, I do not believe they could have obtained a majority of 500. But this is all past and gone.

Miss Hetty has but little expectation of being able to procure you a suitable housekeeper. She will try, however, and should she fall upon one, will write to you.

Please to present my kindest regards to Mrs. Garland and the little boys and girls, and believe me ever to be,

Your faithful and grateful friend,

JAMES BUCHANAN.

## TO MR. CAPEN.[1]

WHEATLAND, near LANCASTER 26 June 1852.

MY DEAR SIR/

Many thanks for your kind letter! I felt neither mortified nor much disappointed at my own defeat. Although "the signs of the times" had been highly propitious immediately before the Baltimore Convention, I am too old a political navigator to rely with implicit confidence upon bright skies for fair weather. The Democracy of my own great State are mortified & disappointed; but I trust that ere long these feelings will vanish & we shall be able to present a solid & invincible column to our political opponents.

The Presidency is a distinction far more glorious than the crown of any hereditary monarch in Christendom; but yet it is a crown of thorns. In the present peculiar & critical position of our Country, its responsibilities will prove to be fearful. I should have met them with cheerful confidence; whilst I know I shall be far more happy in a private station, where I expect to remain.

With my ardent wishes for the success of the history of Democracy, I remain, very respectfully, your friend

JAMES BUCHANAN.

NAHUM CAPEN ESQ.

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[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, II. 42. Nahum Capen was born at Canton, Massachusetts, April 1, 1804. Entering early in life into the publishing business, he edited from 1847 to 1851 the Massachusetts *State Record*. During Buchanan's administration he was postmaster at Boston. The author of numerous occasional articles, he published, anonymously, in New York, in 1848, a work entitled "The Republic of the United States," a disquisition on the relations of the United States to foreign powers, and particularly on the Mexican War. In 1874 he published, at Hartford, the first volume of a "History of Democracy." This work he did not live to complete.

## TO MISS WATTERSTON.[1]

Wheatland, near Lancaster, 3 July 1852.

My dear Miss Watterston,

A brief absence from home has prevented me from sooner acknowledging your very kind and acceptable letter. I feel proud of your warm and steady friendship and need not assure you that it is reciprocated with all my heart. It is probably true that you felt more disappointed at my defeat than I did myself. I am now so old and experienced a political navigator as to be rarely deceived in "the signs of the times:" and although the prospects were highly auspicious for some time before the Baltimore Convention, I never relied upon success with any great degree of confidence. Well, it is all over and I am content. Tranquillity and retirement are congenial with my natural disposition; and with the blessing of Providence, I now look forward to a few years of peace and comparative quiet before my final account, after a long and stormy public career. As a Democrat, from deep conviction, I shall give a cordial and cheerful support to Pierce and King, not only because they are the Candidates of my party; but because I esteem them both as excellent and honorable men.

I must put you right in one particular where you are certainly wrong. Throughout the whole contest for the nomination Henry A. Wise was my active, ardent, and sincere friend. He never deserted me until my success was hopeless, and then only to prevent the nomination of another who would have been very unacceptable to his own State. His conduct throughout meets my entire approbation. If he now boasts that he nominated Pierce, this is true in a great degree; but does not at all conflict with his fidelity to me. From Pillow and Cushing I never expected support, and have, therefore, not been disappointed.

I have not yet determined whether I shall visit any Watering Place this summer, and Harriet has been away from home so much during the past year, that I shall not, I think, consent to her leaving Wheatland for the present. Both she and myself would be grateful to meet you anywhere. I had thought of visiting White Sulphur in Virginia; but very much dislike the stage travelling.

Please to remember me, in the kindest terms, to your good

[1] Buchanan MSS., Library of Congress.

father and mother, as well as to your brother, and also to our friends the Houstons: and believe me ever to be most sincerely and respectfully your true friend

JAMES BUCHANAN.

MISS ELIZA WATTERSTON.

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## TO MR. BINNS.[1]

WHEATLAND, near LANCASTER, July 20, 1852.

MY DEAR SIR:—

Although I have too long omitted to answer your kind letter, yet you may rest assured I sympathized with you deeply in your affliction for the loss of her who had so long been the partner of your joys and your sorrows.

My own disappointment did not cost me a single pang. I felt it far more on account of my friends than myself. Faithful and devoted as they have been, it would have afforded me heartfelt pleasure to testify my gratitude by something more substantial than words. Although I should have assumed the duties of the office with cheerful confidence, yet I know from near observation that it is a crown of thorns. Its cares carried Mr. Polk to a premature grave, and the next four years will probably embrace the most trying period of our history. May God grant us a safe deliverance! With all due admiration for the military services of General Scott, I should consider his election a serious calamity for the country.

General Pierce is a sound radical Democrat of the old Jeffersonian school, and possesses highly respectable abilities. I think he is firm and energetic, without which no man is fit to be President. Should he fall into proper hands, he will administer the Government wisely and well. Heaven save us from the mad schemes of "Young America!"

From your friend, very respectfully,

JAMES BUCHANAN.

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[1] Curtis's Buchanan, II. 41

## TO MR. McKEEVER.[1]

Wheatland, near Lancaster, 26 July 1852.

My dear Sir,

I have received & perused your kind letter with much satisfaction: & like you I am far better satisfied with the nomination of General Pierce than I would have been with that of General Cass or any of the other Candidates. I sincerely & ardently desire his election, as well as the defeat of General Scott; & shall do my duty throughout the contest in Pennsylvania in every respect, except in going from County to County to make stump speeches. It is my intention to address my fellow citizens of this County on some suitable occasion on the Presidential election, & express my opinions freely.

My recommendations to the Governor were but little regarded, though I made but very few. I can say with truth that your disappointment mortified me very much; because upon every principle of political justice & policy you were entitled to the place. Should it ever be in my power to serve you, I shall eagerly embrace the opportunity.

It is impossible as yet to form any accurate conjecture as to what will be Scott's majority in this County; but I cannot believe it will reach that of General Taylor. I am glad to learn your opinion that the majority in Delaware County will be less than it was in 1848. Pierce & King can be elected without the vote of Pennsylvania; but it would be a burning shame for the Democracy of the Keystone to be defeated on this occasion.

From your friend, very respectfully,

James Buchanan.

Alexander M'Keever Esq.

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## TO MISS LANE.[2]

Saratoga Springs 8 August 1852.

My dear Harriet

I arrived at this place on Thursday evening last & now on Sunday morning before church am addressing you this note.

[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, II. 42.

[2] Buchanan Papers, private collection; Curtis's Buchanan, II. 22.

. . . I find the Springs very agreeable & the company very pleasant; yet there do not appear to be so many of the "dashers" here as I have seen. The crowd is very great; in fact it is quite a mob of fashionable folks. Mrs. Plitt is very agreeable & quite popular. Mrs. Slidell is the most gay, brilliant, & fashionable lady at the Springs; & as I am her admirer & attached to her party I am thus rendered a little more conspicuous in the *beau monde* than I could desire. Mrs. Rush conducts herself very much like a lady & is quite popular. She has invited me to accompany her to Albini's concert to-morrow evening, & I would rather go with her to any other place. Albini is all the rage here. I have seen & conversed with her & am rather impressed in her favor. She is short & thick; but has a very good, arch, & benevolent countenance. I shall, however, soon get tired of this place, & do not expect to remain here longer than next Thursday. Not having heard from you, I should have felt somewhat uneasy had Mary not written to Mrs. Plitt. I expect to be at home in two weeks from the time I started. Mrs. Plitt desires me to send her love to you, Mrs. Baker, & Miss Hetty. Remember me affectionately to Mrs. Baker, Miss Hetty, & James Henry, & believe me to be

Yours affectionately,

JAMES BUCHANAN.

MISS HARRIET LANE.

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## SPEECH, OCTOBER 7, 1852,

### AT GREENSBURG, PENNSYLVANIA, ON THE CANDIDACY OF GENERAL SCOTT.[1]

FRIENDS AND FELLOW-CITIZENS: I thank you most sincerely for the cordial and enthusiastic cheers with which you have just saluted me. I am proud, on this occasion, to acknowledge my deep obligations to the Democratic party of Westmoreland county. The generous and powerful support which I have received from your great and glorious Democracy throughout my public career shall ever remain deeply engraved on my heart. I am grateful for the past, not for what is to be in future. I ask no more from my country than what I have already enjoyed. May peace and prosperity be your lot throughout life, and may "The Star in the West" continue to shine with increasing

[1] Curtis's Buchanan, II. 43.

splendor, and ever benign influence on the favored Western portion of our Commonwealth for ages to come!

I congratulate you, fellow-citizens, upon the nomination of Franklin Pierce and William R. King, for the two highest offices in your gift. This nomination has proved to be a most fortunate event for the Democratic party of the country. It has produced unanimity everywhere in our great and glorious party; and when firmly united we can stand against the world in arms. It has terminated, I trust forever, the divisions which existed in our ranks; and which, but a few short months ago, portended dire defeat in the present Presidential contest. The North, the South, the East and the West are now generous rivals, and the only struggle amongst them is which shall do the most to secure the triumph of the good old cause of Democracy, and of Franklin Pierce and William R. King, our chosen standard bearers.

And why should we not all be united in support of Franklin Pierce? It is his peculiar distinction, above all other public men within my knowledge, that he has never had occasion to take a single step backwards. What speech, vote, or sentiment of his whole political career has been inconsistent with the purest and strictest principles of Jeffersonian Democracy? Our opponents, with all their vigilance and research, have not yet been able to discover a single one. His public character as a Democrat is above all exception. In supporting him, therefore, we shall do no more than sustain in his person our dear and cherished principles.

Our candidate, throughout his life, has proved himself to be peculiarly unselfish. The offices and honors which other men seek with so much eagerness, have sought him only to be refused. He has either positively declined to accept, or has resigned the highest stations which the Federal Government or his own native State could bestow upon him.

Indeed, the public character of General Pierce is so invulnerable that it has scarcely been seriously assaulted. Our political opponents have, therefore, in perfect desperation, been driven to defame his private character. At first, they denounced him as a drunkard, a friend of the infamous anti-Catholic test in the Constitution of New Hampshire, and a coward. In what have these infamous accusations resulted? They have already recoiled upon their inventors. The poisoned chalice has been returned to their own lips. No decent man of the Whig party will now publicly venture to repeat these slanders.

Frank Pierce a coward! That man a coward, who, when his country was involved in a foreign war, abandoned a lucrative and honorable profession and all the sweets and comforts of domestic life in his own happy family, to become a private volunteer soldier in the ranks! How preposterous! And why a coward?

According to the testimony of General Scott himself, he was in such a sick, wounded, and enfeebled condition, that he was "just able to keep his saddle!" Yet his own gallant spirit impelled him to lead his brigade into the bloody battle of Churubusco. But his exhausted physical nature was not strong enough to sustain the brave soul which animated it, and he sank insensible on the field in front of his brigade. Was this evidence of cowardice? These circumstances, so far from being an impeachment of his courage, prove conclusively that he possesses that high quality in an uncommon degree. Almost any other man, nay, almost any other brave man, in his weak and disabled condition, would have remained in his tent; but the promptings of his gallant and patriotic spirit impelled him to rush into the midst of the battle. To what lengths will not party rancor and malignity proceed when such high evidences of indomitable courage are construed into proofs of cowardice? How different was General Scott's opinion from that of the revilers of Franklin Pierce! It was on this very occasion that he conferred upon him the proud title of "the gallant Brigadier-General Pierce."

The cordial union of the Democratic party throughout the country presents a sure presage of approaching victory. Even our political opponents admit that we are in the majority when thoroughly united. And I venture now to predict that, whether with or without the vote of Pennsylvania, Franklin Pierce and William R. King, should their lives be spared, will as certainly be elected President and Vice President of the United States on the first Tuesday in November next, as that the blessed sun shall rise on that auspicious day. We feel the inspiration of victory from the infallible indications of public opinion throughout our sister States.

Shall this victory be achieved without the voice or vote of Pennsylvania? No President has ever yet been elected without her vote. Shall this historical truth be reversed, and shall Pierce and King be elected in November, despite the vote of the good old Keystone? God bless her! No—never, never, shall the Democracy of our great and glorious State be subjected to this disgrace.

And yet, strange to say, the Whigs at Washington and the Whigs throughout every State of the Union claim the vote of Pennsylvania with the utmost apparent confidence. To secure her vote was one of the main inducements for the nomination of General Scott over the head of Millard Fillmore. Is there one unprejudiced citizen of any party in the United States, who can lay his hand upon his heart and declare that he believes General Scott would make as good and as safe a President as Mr. Fillmore? No, fellow-citizens, all of us must concur in opinion with Mr. Clay, that Fillmore had superior claims and qualifications to those of Scott for the highest civil station. Availability, and availability alone, produced the nomination of Scott.

The Whigs well knew that the Democrats of the Keystone were in the majority. What must then be done to secure her vote? Pennsylvania Democrats must be seduced from their party allegiance—they must be induced to abandon the political altars at which they have so long worshipped—they must be persuaded to renounce the principles of Jefferson and of Jackson, by the nomination of a military hero; and this hero, too, a most bitter and uncompromising Whig. General Scott is none of your half-way Whigs—he is not like General Taylor, a Whig, but not an ultra Whig. He goes the whole. Is there a single Whig doctrine, or a single Whig principle, however odious to the Democracy, to which he is not devoted, which he has not announced and taught under his own hand? If there be, I have never heard it mentioned. Nay, more: these odious doctrines are with him not merely strong opinions, but they are absolute convictions, rules of faith and of practice. The Bank of the United States, the Bankrupt Law, the distribution of the proceeds of the public lands among the States, the abolishment of the veto power from the Constitution; in short, all the Whig measures against which the Democracy of the country have always waged incessant war—are so many articles of General Scott's political creed. When asked, in October, 1841, whether, "if nominated as a candidate for the Presidency, would you accept the nomination?" after expressing his strong approbation of all the Whig measures to which I have just referred, as well as others of a similar character, he answers: "I beg leave respectfully to reply—Yes; provided that I be not required to renounce any principles professed above. My principles are convictions."

I will do him the justice to declare that he has never yet recanted or renounced any one of these principles. They are

still convictions with him; and yet the Democracy of Pennsylvania are asked to recant and renounce their own most solemn and deliberate convictions, and vote for a candidate for the Presidency, merely on account of his military fame, who, if elected, would exert the power and influence of his administration to subvert and to destroy all the essential principles which bind us together as members of the great and glorious Democratic party of the Union. Is not the bare imputation, much more the confident belief, that the Democrats of Pennsylvania will renounce their birthright for such a miserable mess of pottage, the highest insult which can be offered to them? The Whigs, in effect, say to you: We know you are Democrats—we know you are in the majority; but yet we believe you will renounce the political faith of your fathers, that you may shout hosannas to a successful general, and bow down before the image of military glory which we have erected for the purpose of captivating your senses.

Thank Heaven! thus far, at least, these advocates of availability have been disappointed. The soup societies and the fuss and feather clubs have yet produced but little impression on the public mind. They have failed even to raise enthusiastic shouts among the Whigs, much less to make any apostates from the Democratic ranks.

What a subject it is for felicitation in every patriotic heart, that the days have passed away, I trust, forever, when mere military services, however distinguished, shall be a passport to the chief civil magistracy of the country!

I would lay down this broad and strong proposition, which ought in all future time to be held sacred as an article of Democratic faith, that no man ought ever to be transferred by the people from the chief command of the army of the United States to the highest civil office within their gift. The reasons for this rule of faith to guide the practice of a Republican people are overwhelming.

The annals of mankind, since the creation, demonstrate this solemn truth. The history of all the ruined republics, both of ancient and modern times, teaches us this great lesson. From Cæsar to Cromwell, and from Cromwell to Napoleon, this history presents the same solemn warning,—beware of elevating to the highest civil trust the commander of your victorious armies. Ask the wrecks of the ruined republics scattered all along the tide of time, what occasioned their downfall; and they will answer in

sepulchral tones, the elevation of victorious generals to the highest civil power in the State. One common fate from one common cause has destroyed them all. Will mankind never learn wisdom from the experience of past generations? Has history been written in vain? Mr. Clay, in his Baltimore speech of 1827, expressed this great truth in emphatic terms, when he implored the Almighty Governor of the world, "to visit our favored land with war, with pestilence, with famine, with any scourge other than military rule, or a blind and heedless enthusiasm for a military renown." He was right in the principle, wrong in its application. The hero, the man of men to whom it applied, was then at the Hermitage,—a plain and private farmer of Tennessee. He had responded to the call of his country when war was declared against Great Britain, and had led our armies to victory; but when the danger had passed away, he returned with delight to the agricultural pursuits of his beloved Hermitage. Although, like Franklin Pierce, he had never sought civil offices and honors, yet he was an influential and conspicuous member of the convention which framed the constitution of Tennessee, was their first Representative and their first Senator in Congress,—afterwards a Judge of their Supreme Court,—then again a Senator in Congress, which elevated station he a second time resigned, from a love of retirement. He was brought almost literally from the plough, as Cincinnatus had been, to assume the chief civil command. The same observations would apply to the illustrious and peerless Father of his Country, as well as to General Harrison. They were soldiers, only in the day and hour of danger, when the country demanded their services; and both were elevated from private life, from the shades of Mount Vernon and the North Bend, to the supreme civil magistracy of the country. Neither of them was a soldier by profession, and both had illustrated high civil appointments. General Taylor, it is true, had been a soldier, and always a soldier, but had never risen to the chief command. It remained for the present Whig party to select as their candidate for the Presidency the commanding General of the army, who had been a man of war, and nothing but a man of war from his youth upwards. This party is now straining every nerve to transfer him from the headquarters of the army, to the chair of state, which has been adorned by Washington, Jefferson, Madison and Jackson, without even a momentary resignation of his present high office,—without the least political training,—without any respite, without any breathing time be-

tween the highest military and the highest civil honor. With what tremendous force does the solemn warning of Mr. Clay apply to the case of General Scott!

Far be it from me to say or to insinuate that General Scott would have either the ability or the will to play the part of Cæsar, of Cromwell, or of Bonaparte. Still, the precedent is dangerous in the extreme. If these things can be done in the green tree, what will be done in the dry? If the precedent can be established in the comparative infancy and purity of our institutions, of elevating to the Presidency a successful commander-in-chief of our armies, what may be the disastrous consequences when our population shall number one hundred millions, and when our armies in time of war may be counted by hundreds of thousands? In those days, some future military chieftain, desirous of obtaining supreme power by means of an election to the Presidency, may point back to such a precedent and say, that in the earlier and purer days of the Republic, our ancestors did not fear to elevate the commander of their conquering armies to this, the highest civil station. Let us not forge chains in advance for our descendants.

The fathers of the Republic were deeply alive to these great truths. They were warned by the experience of past times that liberty is Hesperian fruit, and can only be preserved by watchful jealousy. Hence in all their constitutions of government, and in all their political writings, we find them inculcating, in the most solemn manner, a jealousy of standing armies and their leaders, and a strict subordination of the military to the civil power. But even if there were no danger to our liberties from such a precedent, the habit of strict obedience and absolute command acquired by the professional soldier throughout a long life, almost necessarily disqualifies him for the administration of our Democratic Republican Government. Civil government is not a mere machine, such as a regular army. In conducting it, allowance must be made for that love of liberty and spirit of independence which characterize our people. Such allowances can never be made,—authority can never be tempered with moderation and discretion, by a professional soldier, who has been accustomed to have his military orders obeyed with the unerring certainty of despotic power.

Again:—What fatal effects would it not have on the discipline and efficiency of the army to have aspirants for the Presidency among its principal officers? How many military

cliques would be formed—how much intriguing and electioneering would exist in a body which ought to be a unit, and have no other object in view except to obey the lawful command of the President and to protect and defend the country? If all the political follies of General Scott's life were investigated, and these are not few, I venture to say that nearly the whole of them have resulted from his long continued aspirations for the Presidency. At last, he has obtained the Whig nomination. He has defeated his own constitutional commander-in-chief. The military power has triumphed over the civil power. The Constitution declares that "the President shall be commander-in-chief of the army and navy of the United States," but the subordinate, the actual commander of the army, has supplanted his superior. What a spectacle is this; and how many serious reflections might it inspire! In times of war and of danger, what fatal consequences might result to the country from the fact, that the President and the commanding General of the army are rival and hostile candidates for the Presidency! But I shall not pursue this train of remark. It is my most serious conviction, that General Scott would have stood far higher, both before the present generation and posterity, had he never been a candidate for the Presidency. The office which he now holds, and deservedly holds, ought to satisfy the ambition of any man. This the American people will determine by a triumphant majority on the first Tuesday of November next. This will prove to be one of the most fortunate events in our history—auspicious at the present time, and still more auspicious for future generations. It will establish a precedent, which will, I trust, prevent future commanders-in-chief of the American army from becoming candidates for the Presidential office.

Again:—To make the army a hot-bed for Presidential aspirants will be to unite the powerful influence of all its aspiring officers in favor of foreign wars, as the best means of acquiring military glory, and thus placing themselves in the modern line of safe precedents, as candidates for the Presidency and for other high civil offices. The American people are sufficiently prone to war without any such stimulus. But enough of this.

I shall now proceed to discuss more minutely the civil qualifications of General Scott for the Presidency. It is these which immediately and deeply concern the American people, and not his military glory. Far be it from me, however, to depreciate his military merits. As an American citizen, I am proud of them.

They will ever constitute a brilliant page in the historical glory of our country. The triumphant march of the brave army under his command, from Vera Cruz to the city of Mexico, will be ever memorable in our annals. And yet he can never be esteemed the principal hero of the Mexican war. This distinction justly belongs to General Taylor. It was his army which at Palo Alto, Resaca de la Palma, and Monterey, first broke the spirit of the Mexican troops; and the crowning victory of Buena Vista completely disorganized the Mexican army. There Santa Anna, with 20,000 men, the largest, the best and the bravest army which Mexico has ever sent into the field, was routed by less than five thousand of our troops. To the everlasting glory of our volunteer militia, this great, this glorious victory, was achieved by them, assisted by only four hundred and fifty-three regulars. The Mexican army was so disorganized—the spirit of the Mexican people was so subdued, by the unparalleled victory of Buena Vista, that the way was thus opened for the march from Vera Cruz to Mexico. Yet God forbid that I should, in the slightest degree, detract from the glory so justly due to Scott's army and its distinguished commander in the battles which preceded their triumphant entry into the capital of Mexico.

But I repeat, my present purpose is to deal with General Scott as a civilian—as a candidate for the Presidency, and not as a military commander.

The sun presents dark spots upon its disc; and the greatest men who have ever lived, with the exception of our own Washington, have not been without their failings. Surely General Scott is not an exception to the common lot of humanity. In his temper he is undoubtedly irritable and jealous of rivals; whilst the Presidency, above all other stations on earth, requires a man of firm and calm temper, who, in his public conduct, will never be under the control of his passions.

General Scott has quarrelled with General Wilkinson—he has quarrelled with General Gaines—he has quarrelled with General Jackson—he has quarrelled with De Witt Clinton—he has quarrelled with the administration of John Quincy Adams—he has quarrelled with the people of Florida to such a degree that General Jackson was obliged reluctantly to recall him from the command of the army in the Seminole war—he has quarrelled with General Worth, the Marshal Ney of our military service—he has quarrelled with General Pillow—he has quarrelled with the gallant and lamented Duncan—and unless report speaks

falsely, he has quarrelled with General Taylor. Whenever any military man has approached the rank of being his rival for fame, he has quarrelled with that man. Now, I shall not pretend to decide, whether he has been in the right or in the wrong, in all or in any of these quarrels; but this I shall say, that a man possessing such forethought, discretion and calm temper as the Presidential office requires, might and would have avoided many or most of these difficulties. A plain and sensible neighbor of mine asked me, in view of these facts, if I did not think, should General Scott be elected President, he would play the devil and break things?

General Scott is, beyond all question, suspicious, when the President of the United States, above all other men, ought to look upon events with no prejudiced or jaundiced eye. No man ever exhibited this trait of character in a stronger light than he has done towards the administration of Mr. Polk. He was selected by the President to lead our armies in Mexico, with my humble though cordial assent. The political life or death of the administration depended upon his success. Our fate, both in the estimation of the present times and throughout all posterity, depended upon his success. His defeat would have been our ruin. And yet he most strangely conceived the notion, that for the purpose of destroying him we were willing to destroy ourselves. Hence his belief of a fire in the rear more formidable than the fire in the front. Hence his belief that, jealous of his glory, we did not exert ourselves to furnish him the troops and munitions of war necessary for the conquest of Mexico. Did unjust and unfounded suspicion ever extend thus far in the breast of any other mortal man? The admirable and unanswerable letter of Governor Marcy, of April 21, 1848, in reply to his complaints, triumphantly vindicates the administration of Mr. Polk against all these extraordinary charges. Let any man carefully and dispassionately read that letter, and say, if he can, that General Scott, in self-control, temper and disposition, is fit to become the successor to General Washington, in the Presidential chair.

The world knows, everybody who has approached him knows, that General Scott is vainglorious to an excessive degree. Indeed, his vanity would be strikingly ridiculous, had he not performed so many distinguished military services as almost to justify boasting. This, however, is an amiable weakness; and whilst it does not disqualify him from performing the duties of a

President, this itself renders it morally impossible that he should ever reach that station. Modesty combined with eminent merit always secures popular applause; but the man who becomes the trumpeter of his own exploits, no matter how high his deserts may be, can never become an object of popular enthusiasm and affection. General Scott's character, in this respect, is perfectly understood by the instinctive good sense of the American people. "Fuss and Feathers!" a volume could not more accurately portray the vanity of his character than this sobriquet by which he is universally known. His friends affect to glory in this title, but with all their efforts they can never render it popular. Napoleon was endeared to his army by his designation of "the little Corporal;" General Jackson, by that of "Old Hickory;" and General Taylor was "Rough and Ready;" but what shall we say to "Fuss and Feathers"? Was such a sobriquet ever bestowed upon a General who enjoyed the warm affections of his army? It raises no shout,—it awakens no sympathy,—it excites no enthusiasm,—it falls dead upon the heart of an intelligent people.

In order further to illustrate the want of civil qualifications of General Scott for the Presidency, I propose next to discuss his famous political letters. In these he has written his own political history. "Oh! that mine enemy would write a book!" was an exclamation of old. General Scott's epistles have accomplished this work, though I deny that he has any enemies among the American people.

In 1848, when speaking of these letters, Thurlow Weed, who at the present moment is one of General Scott's most able, distinguished, and efficient supporters, employs the following language: "In the character of General Scott there is much, very much to commend and admire. But the mischief is, there is weakness in all he says or does about the Presidency. Immediately after the close of the campaign of 1840, he wrote a gratuitous letter, making himself a candidate, in which all sorts of unwise things were said 'to return and plague his friends, if he should be a candidate.' And since that time, with a fatuity that seizes upon men who get bewildered in gazing at the White House, he has been suffering his pen to dim the glories achieved by his sword."

The letter to which special allusion is made must be his famous letter of October 25, 1841. Though not an "old Fogy," I retain a vivid recollection of the circumstances under which this letter was written. It made its appearance the month after the

termination of the famous extra session of Congress, which had been convened by the proclamation of General Harrison. This session commenced on the 31st May, and terminated on the 13th September, 1841.

And here, permit me to say, that I do not believe the history of legislative bodies, in this or any other country, ever presented more argumentative, eloquent, and powerful debating than was exhibited throughout this session. Nearly all the important political questions which had divided the two great parties of the country from the beginning were most ably discussed. Never did any public body of the same number present a stronger array of matured talent than the Senate of that day. There were Clay, Berrien, Clayton, Mangum, Archer, Preston, and Southard on the Whig side; and Benton, Calhoun, Wright, Woodbury, Walker, Pierce, and Linn on the side of the Democrats, and these men were in the meridian of their glory. I would advise every young Democrat within the sound of my voice to procure and carefully study the debates of this session.

Mr. Clay was, as he deserved to be, the lord of the ascendant in the Whig ranks. The Whig majority of both houses was controlled by his spirit. He was their acknowledged leader, and went to work in dashing style. Within a brief period, he carried all the great Whig measures triumphantly through Congress. The Independent Treasury was repealed; the proceeds of the public lands were distributed among the States; the Bankrupt Law was passed; and an old-fashioned Bank of the United States would have been established, had it not been for the veto of John Tyler, a man who has never been as highly estimated as he deserves, either by the Democratic party or the country.

Mr. Clay left the Senate, at the close of the session, the acknowledged leader and the favorite Presidential candidate of the great Whig party. Under these circumstances, it became necessary for General Scott to do something to head his great rival and prevent him from remaining master of the field. He must prove himself to be as good a Whig as Henry Clay, and in addition a much better Anti-Mason. It was the common remark of the day, when his letter of October, 1841, appeared, that he had out-whigged even Henry Clay. This is the "gratuitous letter, making himself a candidate, in which all sorts of unwise things were said to 'return and plague his friends, if he should be a candidate.'"

This letter is not addressed to any individual, but is an epistle

general to the faithful; and I must do him the justice to say that in it he has concealed nothing from the public eye. After some introductory remarks, it is divided into seven heads, which, with their subdivisions, embrace all the articles of Whig faith as understood at that day; and in addition, the author presents his views on "secret or oath-bound societies."

I shall briefly review some of these articles of General Scott's political faith:

1. "The Judiciary." General Scott expresses his convictions that the decisions of the Supreme Court of the United States, on all constitutional questions, should be considered final and conclusive by the people, and especially by their functionaries, "except, indeed, in the case of a judicial decision enlarging power and against liberty." And how is such a decision to be corrected? Why, forsooth, "any dangerous error of this sort, he says, can always be easily corrected by an amendment of the Constitution, in one of the modes prescribed by that instrument itself." Easily corrected! It might be so if a military order could accomplish the object; but an amendment of the Constitution of the United States, whether fortunately or unfortunately for the country, is almost a political impossibility. In order to accomplish it, in by far the least impracticable of the two modes prescribed, the affirmative action of two-thirds of both Houses of Congress and of the Legislatures of three-fourths of the several States is required. With these obstacles in the way, when will an amendment of the Constitution ever be made?

But why did such a reverence for the decisions of the Supreme Court become an article of General Scott's faith? Simply because General Jackson had vetoed the Bank of the United States, believing, in his conscience, such an institution to be unconstitutional. He had sworn before his God and his country to support the Constitution; and he could not, without committing moral perjury, approve a bill, which in his soul he believed to be a violation of this great charter of our liberties. He could not yield his honest convictions, simply because the Supreme Court had expressed the opinion that Congress possesses the power to charter such a bank.

But, according to the logic of General Scott, General Jackson and Mr. Tyler, when bills to charter a Bank of the United States were presented to them, had no right to form or express any opinion on the subject of their constitutionality. The Supreme Court had done this for them in advance. This court is

to be the constitutional conscience-keeper of the President. "Practically, therefore (says General Scott), for the people and especially their functionaries (of whom the President is the highest) to deny, to disturb, or impugn, principles thus constitutionally established, strike me as of evil example, if not of a direct revolutionary tendency." A Bank of the United States must be held constitutional, by the people and their functionaries, as an article of faith, until two-thirds of both Houses of Congress and three-fourths of the State legislatures shall reverse the decision of the Supreme Court by an amendment of the Constitution. The President must then wait before he can exercise the right of judging for himself until doomsday. On the same principle, we must all now hold, as an article of faith, that the odious and infamous sedition law of the reign of terror is constitutional, because the judiciary have so affirmed, and this decision never has been, and never will be, reversed by a constitutional amendment. This is double-distilled Whiggery of the most sublimated character. Truly, "there is weakness in all that General Scott says or does about the Presidency."

Let us never forget that a Bank of the United States is a fixed idea with the Whig party, which nothing can ever remove. On this subject, like the old Bourbons, they forget nothing and learn nothing. They are inseparably joined to this idol. They believe that a concentration of the money power of the country, in the form of such a bank, is necessary to secure the ascendency of the Whig party in the Government; and there is nothing more certain in futurity than that they will establish such a bank, should they ever obtain the power. Experience has taught us a lesson on this subject which we ought never to forget. Throughout the political campaign of 1840, which resulted in the election of General Harrison, it was nowhere avowed by the Whigs, that they intended to charter a Bank of the United States. This was carefully concealed from the public eye. On the contrary, many of their distinguished leaders declared themselves hostile to such an institution, and one of them, Mr. Badger, afterwards a member of the cabinet, indignantly pronounced the assertion that General Harrison was in favor of such a bank to be a falsehood. But mark the sequel. No sooner was Harrison elected and a majority secured in both Houses of Congress, than the Whigs immediately proceeded in hot haste, at the extra session, to pass a bill establishing a Bank of the United States, which would have become a law, but for the veto of John Tyler. What we have

witnessed in 1841, we shall again witness in 1853, *the veto* only excepted, should General Scott be elected President and be sustained by a Whig majority in both Houses of Congress.

2. "The Executive Veto." To abolish this veto power is another article of General Scott's political faith, as announced in his letter of October, 1841. To be more precise, the General would have the Constitution amended for the second time, in the same epistle, so as to overcome the Executive veto "by a bare majority in each House of Congress of all the members elected to it—say for the benefit of reflection, at the end of ten days from the return of the bill." What a farce! An Executive veto to be overcome and nullified by a bare majority of the very Congress which had but ten days before sent the same bill to the President for his approval! Better, far better, adopt the manly course of abolishing the veto altogether, than to resort to this subterfuge.

But why has the abolishment of the Executive veto become an article of Whig faith? Simply because General Jackson and Mr. Tyler each vetoed bills to establish a Bank of the United States! "Still harping on my daughter." The Whigs have determined to destroy the veto power, which has twice prevented them from creating an institution which they love above all other political objects. The veto power has saved the country from the corrupt and corrupting influence of a bank; and it is this alone which has rendered it so odious to the Whig party.

This power is the least dangerous of all the great powers conferred by the Constitution upon the President; because nothing but a strong sense of public duty and a deep conviction that he will be sustained by the people can ever induce him to array himself against a majority of both Houses of Congress. It has been exercised but in comparatively few instances since the origin of the Federal Government; and I am not aware that it has ever been exercised in any case, which has not called forth the approving voice of a large majority of the American people. Confident I am, it is highly popular in Pennsylvania.

"Rotation in office" is the next head of General Scott's letter. Throughout the Presidential contest, which resulted in the election of General Harrison, it was the fashion of the Whigs to proscribe proscription; and to denounce Democratic Presidents for removing their political enemies and appointing their political friends to office. General Scott, in his letter, comes up to the Whig standard in this, as in all other respects. In his

profession of faith, he could not even avoid a fling against the hero and the sage then in retirement at the Hermitage. He says: "I speak on this head from what I witnessed in 1829–30 (the commencement of General Jackson's administration), of the cruel experiments on a large scale, then made upon the sensibilities of the country, and the mischiefs to the public interests which early ensued."

But what was the Whig practice upon the subject after they had obtained power? General Jackson was magnanimous, kind-hearted and merciful, and to my own knowledge he retained a very large proportion of Whig clerks in the public offices at Washington. I ask how many Democrats now remain in those offices? Nay, the present administration has even proscribed old widows whose husbands had been Democrats. In the city of Lancaster, they removed from the post-office an old lady of this character, who had performed her duties to the entire satisfaction of the public of all parties, to make way for a political (I admit a respectable political) friend. To the credit of General Taylor's memory be it spoken, he refused to make war upon this old lady.

But in this respect, a change has come over the spirit of General Scott's dream. Of this the Whigs are satisfied. If they were not, small would be his chance—much smaller even than it now is, of reaching the Presidential chair. In his letter, accepting the nomination, he says:—"In regard to the general policy of the administration, if elected, I should, of course, look among those who may approve that policy, for the agents to carry it into execution; and I would seek to cultivate harmony and fraternal sentiment throughout the Whig party, without attempting to reduce its members by proscription to exact conformity to my own views!"

"Harmony and fraternal sentiment throughout the Whig party!" His charity, though large for Whigs, does not extend to Democrats. He knows, however, that his own party are divided into supporters of himself for his own sake, whilst spitting upon the platform on which he stands—and those who love the platform so well that for its sake they have even consented, though reluctantly, to acquiesce in his nomination—into those Free Soil Whigs who denounce the Fugitive Slave Law, and those Whigs who are devoted heart and soul to its maintenance. In this dilemma, he will not attempt to reduce the discordant brethren by proscription to exact conformity to his own views. Southern Whigs and Northern Free Soilers are therefore both

embraced within the broad sweep of his charity. He seeks to cultivate harmony and fraternal sentiment among the Seward Whigs and the National Whigs by seating them all together at the same table to enjoy the loaves and the fishes. But woe to the vanquished—woe to the Democrats! They shall not even receive a single crumb which may fall from the table of the Presidential banquet.

"One Presidential Term," is the subject which he next discusses. Here he boggles at one Presidential term. He seems reluctant to surrender the most elevated and the most lucrative office, next to that of President, and this, too, an office for life, for the sake of only four years in the White House. He again, therefore, for the third time, in the same letter, proposes to amend the Constitution, just as if this were as easy as to wheel a division of his army on a parade day, so as to extend the Presidential term to six years. Four years are too short a term for General Scott. It must be prolonged. The people must be deprived of the power of choosing their President at the end of so brief a period as four years. But such an amendment of the Constitution, he ought to have known, was all moonshine. The General, then, declines to pledge himself to serve but for one term, and this for the most extraordinary reason. I shall quote his own words; he says:—"But I do not consider it respectful to the people, nor otherwise proper, in a candidate to solicit favor on a pledge that, if elected, he will not accept a second nomination. It looks too much like a bargain tendered to other aspirants—yield to me now; I shall soon be out of your way; too much like the interest that sometimes governs the cardinals in the choice of a Pope, many voting for themselves first, and, if without success, finally for the most superannuated, in order that the election may sooner come round again."

He was, then, you may be sure, still a Native American.

To say the very least, this imputation of selfishness and corruption against the cardinals in the election of a Pope, is in bad taste in a political letter written by a candidate for the Presidency. It was in exceedingly bad taste, in such an epistle, thus to stigmatize the highest dignitaries of the ancient Catholic church, in the performance of their most solemn and responsible public duty to God, on this side of eternity. From my soul, I abhor the practice of mingling up religion with politics. The doctrine of all our Constitutions, both Federal and State, is, that every man has an indefeasible right to worship his God, according to the dictates of his

own conscience. He is both a bigot and a tyrant who would interfere with that sacred right. When a candidate is before the people for office, the inquiry ought never even to be made, what form of religious faith he professes; but only, in the language of Mr. Jefferson, "Is he honest; is he capable?" Far be it from me to charge or even insinuate that General Scott would desire to introduce religion into party politics; and yet I consider it exceedingly improper for him, in a political letter, when a candidate for the Presidency, to have made this charge against the venerable cardinals of the Catholic church. Such a charge, emanating from so high a source, could not fail to wound the feelings of a large and highly respectable Christian community. This has necessarily, to some extent, brought religious discussions into the Presidential contest.

"Leading measures of the late extra session of Congress." This is the next head of General Scott's epistle, to which I advert. He swallows all those leading measures at a single gulp. "If," says he, "I had had the honor of a vote on the occasion, it would have been given in favor of the Land Distribution Bill, the Bankrupt Bill, and the second bill for creating a Fiscal Corporation, having long been under a conviction that in peace, as in war, something efficient in the nature of a Bank of the United States, is not only 'necessary and proper,' but indispensable to the successful operations of the Treasury!"

The Land Distribution Bill. This is emphatically a high-toned Whig measure, which had been once crushed by General Jackson's message of December, 1833. Mr. Clay, its illustrious author, was the very essence, the life and soul of Whiggery. It proposes to distribute the proceeds of the public lands among the several States. It proposes to surrender to the several States that immense and bountiful fund provided by our ancestors, which is always our surest resource, in times of war and danger, when our revenue from imports fails. In the days of Jackson, Van Buren and Polk, the Democratic doctrine was,—I fear it is not so at present,—to preserve this fund in the common Treasury, as a sacred trust, to enable Congress to execute the enumerated powers conferred upon them by the Constitution, for the equal benefit of all the States and the people. Should Congress give away the public lands to the States, they will deprive themselves of the power of bestowing land bounties upon the soldiers and the sailors who fight the battles of your country, and of granting liberal terms of purchase to those hardy pioneers who

make the wilderness to bloom and to blossom as the rose. What will become of this policy if you distribute the proceeds of these lands among the States? Then every State will have a direct interest in preventing any donations of the public lands, either to old soldiers or actual settlers; because every acre thus given will so much lessen the dividend to each of the States interested. Should this Distribution Bill ever prevail, it will make the States mere dependencies upon the central Government for a large portion of their revenue, and thus reduce these proud Democratic sovereignties to the degrading position of looking to the Treasury of the United States for their means of support. In the language of General Jackson, "a more direct road to consolidation cannot be devised." Such a state of dependence, though exactly in accordance with the centralizing Whig policy, has ever been abhorred by the Democrats. But the Distribution Bill is one of the principles, one of the "convictions," of General Scott; and so let it pass.

We come now to the Bankrupt Bill, a purely Whig measure, to which General Scott gives his adhesion.—And such a bill! In no legitimate sense of the word, was this a bankrupt law. It was merely a new mode of paying old debts; and the easiest mode which was ever devised for this purpose in any civilized country. The expansions and contractions of the Bank of the United States,—the inundations of bank paper and of shinplasters which spread over the country, had given birth to a wild and reckless spirit of speculation, that ruined a great number of people. The speculators wanted to pay their debts in the easiest manner, and the Whigs wanted their votes. This was the origin of the bankrupt law. It ruined a great many honest creditors; it paid off a great many honest debts with moonshine. If my memory serves me, debts to the amount of $400,000,000 were discharged in this manner. The law, however, from its practical operation, soon became so odious to the people, that they demanded its repeal. It was stricken from the statute book, amidst the execrations of the people, by the very same Congress which had enacted it, in one year and one month from the day on which it went into effect. And this is the bill for which General Scott declares he would have voted, had he been a member of Congress.

Next in order, we come to the Bank of the United States. If General Scott "had had the honor of a vote, it would have been given for the second bill creating a Fiscal Corporation."

Surely the General could never have carefully read this bill. In derision, it was termed at the time, the "Kite Flying Fiscality." It was a mere speculators' bank, and no person believed it could ever become a law. In truth, it was got up merely for the purpose of heading John Tyler, and when reported to the House, it was received, according to the *National Intelligencer,* with shouts of laughter.

It originated in this manner. A bill had at first passed Congress to create a regular old-fashioned Bank of the United States. This bill was vetoed by John Tyler. Afterwards the second bill, or Kite Flying Fiscality, was prepared by the Whigs to meet some portions of Mr. Tyler's veto message, and if possible render it ridiculous. The bill was passed and was vetoed by President Tyler, as everybody foresaw it would be. But how General Scott got his head so befogged as to prefer this thing to the first bill, is a matter of wonder. I venture to say he was the only Whig in the United States who held the same opinion.

This closes General Scott's confession of Whig faith; and surely it is sufficiently ample and specific to gratify the most rabid Whig in the land. But the General had another string to his bow. It was necessary not only that he should be as good a Whig as Henry Clay, but that he should be something besides, something over and above a mere Whig, in order to render himself more available than his great rival. Hence the concluding head of his famous epistle, which, like the postscript of a lady's letter, contains much of the pith and marrow of the whole. It is entitled "Secret or Oath-bound Societies." In it he declares, although a Mason, that he had "not been a member of a Masonic lodge for thirty odd years, nor a visitor of any lodge since, except one,—now more than sixteen years ago." And such is his abhorrence for secret societies, that for twenty-eight years he had not even visited one of those literary societies in our colleges, whose practice it is to adopt a few secret signs by which their members in after life can recognize each other.

In order, then, to render himself a more available candidate than Henry Clay, it was necessary that his net should have a broader sweep than that of the great Kentuckian. It was necessary that he should be as good a Whig and a far better Anti-Mason. The Anti-Masonic party was then powerful in Pennsylvania as well as in other Northern States. This party numbered in its ranks many old Democrats, and to these Mr. Clay was not very acceptable. The Anti-Masons were more active and more

energetic than the Whigs. A distinguished Anti-Mason of our State is reported once to have said, that they were the locomotive, and the Whigs the burden train. How were they to be enlisted in the ranks of Scott? The great Kentuckian, with that independent spirit which characterized him, never yielded to the advances of the Anti-Masons. He was a Mason himself as well as General Scott; but the General lent a far more kindly ear to this new party. Hence his remarks on secret or oath-bound societies. This confession of his faith proved to be entirely satisfactory; and the Anti-Masons have ever since proved to be his devoted friends. He thus captured a large division of the forces which were unfriendly to Mr. Clay. But for the purpose of embracing the new recruits, it became necessary to coin a more comprehensive name than simply that of Whigs.

He doubtless thought that a rose by any other name would smell as sweet. Hence, in his famous letter, he announced himself to be a Democratic Whig. A white blackbird—a Christian unbeliever. This name was sufficiently comprehensive to embrace all men of all parties. He became all things to all men, that he might gain proselytes. I say what I know, when I declare that this letter, and attempt to supplant the veteran statesman of Kentucky, was a subject of severe criticism at the time in Washington city, among men of all parties. Surely, in the language of Thurlow Weed, "there is weakness in all he says or does about the Presidency."

But a good general is always fertile in expedients. His coup-d'œil embraces the whole field of battle, and he is ever ready to take advantage of any occurrence which may enable him to seize the victory. A new political party styling itself the Native American party, began to loom up in an imposing manner and to present a formidable aspect. This party must be conciliated. The Native Americans must be prevailed upon to unite their forces with the Whigs and Anti-Masons, and thus to form a grand combined army. It therefore became necessary for General Scott to write a second epistle, which he seems to have done with all the ardor and enthusiasm of heartfelt sincerity. This is dated from Washington city, on the 10th of November, 1844, and is in answer to a letter addressed to him, "in behalf of several hundred Native American Republicans," by Geo. W. Reed, Esq., of Philadelphia. This second epistle proved to be as successful in enlisting the Native Americans under his banner, as the first epistle had been in enlisting the Anti-Masons. And

why should it not? The General pledged himself, in the strongest terms, to every dogma which this new party had most at heart.

He dates his Native Americanism back more than eight years, to "the stormy election in the spring of 1836," and his views "were confirmed in the week [Nov. 1840] when Harrison electors were chosen in New York." It was on this occasion in 1840, that, "fired with indignation," he sat down with two friends in the Astor House, "to draw up an address, designed to rally an American party." What has become of this address? How precious would it be! I fear it is forever lost to the world! It would be one of the greatest curiosities of modern literature. How withering must have been its attack upon the poor foreigners! We can judge somewhat of its spirit by his epistle to Mr. Reed. Other Native Americans were satisfied to restore the naturalization law of "the reign of terror," and to prohibit foreigners from becoming citizens until after a residence of fourteen years. Not so with General Scott. He went a bow-shot beyond. His mind inclined to "a total repeal of all Acts of Congress on the subject,"—to a total denial forever of all political rights to every human being, young, middle-aged, and old, who had happened to be born in a foreign country.

Having thus placed himself rectus in curia, as the lawyers would say, with the Native American party, he then proceeds, as their god-father, to give them a proper name. In this I do not think his choice was fortunate. It was a difficult task. It must embrace within its ample outline both Whigs and Anti-Masons, and yet have so much of the odor of Native Americanism as to make its savor sweet in the nostrils of the new party. He says, "I should prefer assuming the designation of American Republicans, as in New York, or Democratic Americans, as I would respectfully suggest. Democratic Americans would include all good native American citizens devoted to our country and its institutions; and would not drive from us naturalized citizens, who, by long residence, have become identified with us in feelings and interest."

"Democratic Americans!" What a name for a Native American party! When all the records of our past history prove that American Democrats have ever opened wide their arms to receive foreigners flying from oppression in their native land, and have always bestowed upon them the rights of American citizens, after a brief period of residence in this country. The Democratic party have always gloried in this policy, and its

fruits have been to increase our population and our power with unexampled rapidity, and to furnish our country with vast numbers of industrious, patriotic and useful citizens. Surely the name of "Democratic Americans" was an unfortunate designation for the Native American party!

But General Scott was not content to be considered merely as a proselyte to Native Americanism. He claims the glory of being the founder of the party. He asserts his claim to this distinguished honor, which no individual will now dispute with him, in the postscript to his letter of November, 1844, which was read on the 4th of February, 1847, before the National Convention of Native American Delegates, at Pittsburg. In this he says, "writing, however, a few days ago, to my friend Mayor Harper of New York, I half jocosely said, that I should claim over him and others the foundership of the new party, but that I had discovered this glory, like every other American excellence, belonged to the Father of his Country."

The Native American party an "American excellence," and the glory of its foundership, belongs to George Washington! No, fellow-citizens, the American people will rise up with one accord to vindicate the memory of that illustrious man from such an imputation. As long as the recent memory of our revolutionary struggle remained vividly impressed on the hearts of our countrymen, no such party could have ever existed. The recollection of Montgomery, Lafayette, De Kalb, Kosciusko, and a long list of foreigners, both officers and soldiers, who freely shed their blood to secure our liberties, would have rendered such ingratitude impossible. Our revolutionary army was filled with the brave and patriotic natives of other lands, and George Washington was their commander-in-chief. Would he have ever closed the door against the admission of foreigners to the rights of American citizens? Let his acts speak for themselves. So early as the 26th of March, 1790, General Washington, as President of the United States, approved the first law which ever passed Congress on the subject of naturalization; and this only required a residence of two years, previous to the adoption of a foreigner as an American citizen. On the 29th January, 1795, the term of residence was extended by Congress to five years, and thus it remained throughout General Washington's administration, and until after the accession of John Adams to the Presidency. In his administration, which will ever be known in history as the reign of terror, as the era of alien and sedition

laws, an act was passed on the 18th of June, 1798, which prohibited any foreigner from becoming a citizen until after a residence of fourteen years, and this is the law, or else perpetual exclusion, which General Scott preferred, and which the Native American party now desire to restore.

The Presidential election of 1800 secured the ascendency of the Democratic party, and under the administration of Thomas Jefferson, its great apostle, on the 14th of April, 1802, the term of residence previous to naturalization was restored to five years, what it had been under General Washington, and where it has ever since remained. No, fellow-citizens, the Father of his Country was never a "Native American." This "American excellence" never belonged to him.

General Scott appears to have been literally infatuated with the beauties of Native Americanism. On the 12th November, 1844, he addressed a letter in answer to one from a certain "Mr. Hector Orr, printer," who appears to have been the editor of a Native American journal in Philadelphia. This letter is a perfect rhapsody from beginning to end. Among other things equally extravagant, the General says: "A letter from him (Benjamin Franklin), were he alive, could not have refreshed me more than that before my eyes. It gives a new value to any little good I have done or attempted, and will stimulate me to do all that may fall in the scope of my power in the remainder of my life." What a letter must this have been of Mr. Hector Orr, printer! What a pity it has been lost to the world! The General concluded by requesting Mr. Orr to send him "the history of the Native party by the Sunday School Boy," and also to consider him a subscriber to his journal.

But soon there came a frost—a chilling frost. Presto, pass, and General Scott's Native Americanism is gone like the baseless fabric of a vision. Would that it left no trace behind! The celebrated William E. Robinson, of New York, is the enchanter who removes the spell.

The Whig National Convention of 7th June, 1848, was about to assemble. General Scott was for the third time about to be a candidate before it for nomination as President. This was an important—a critical moment. Native Americanism had not performed its early promise. It was not esteemed "an American excellence," even by the Whig party. General Scott was in a dilemma, and how to extricate himself from it was the question. The ready friendship of Mr. Robinson hit upon the

lucky expedient. On the 8th May, 1848, he addressed a letter to General Scott, assuming that the General entertained "kind and liberal views towards our naturalized citizens." The General answered this letter on the 29th May, 1848, just ten days before the meeting of the Whig Philadelphia Convention; and what an answer! After declaring in the strongest terms that Mr. Robinson had done him no more than justice in attributing to him "kind and liberal views toward our naturalized citizens," he proceeds: "It is true that in a case of unusual excitement some years ago, when both parties complained of fraudulent practices in the naturalization of foreigners, and when there seemed to be danger that native and adopted citizens would be permanently arrayed against each other in hostile faction, *I was inclined to concur in the opinion then avowed by leading statesmen, that some modification of the naturalization laws might be necessary*, in order to prevent abuses, allay strife and restore harmony between the different classes of our people. But later experience and reflection have entirely removed this impression, and dissipated my apprehensions."

The man who had warmly embraced Native Americanism so early as 1830, and had given it his enthusiastic support for twelve years thereafter—who next to Washington had claimed to be the founder of this "American excellence:" who, "fired with indignation," had in conjunction with two friends in 1840, prepared an address in his parlor at the Astor House in New York, designed to rally an American party; who had, in 1844, hesitated between extending the period of residence before naturalization to fourteen years, and a total and absolute exclusion of all foreigners from the rights of citizenship forever, his mind inclining to the latter; who had in the same year elevated Hector Orr, the Native American printer, to the same level with our great revolutionary statesman and patriot, Benjamin Franklin—this same individual, in 1848, declares to Mr. Robinson, that he had formerly been merely "*inclined to concur in the opinion then avowed by leading statesmen*, that some modification of the naturalization laws might be necessary."

"Oh! what a fall was there, my countrymen!"

And what caused this sudden, this almost miraculous change of opinion? Why, forsooth, in his recent campaign in Mexico, the Irish and the Germans had fought bravely in maintaining our flag in the face of every danger. But had they not fought with equal bravery throughout our revolutionary struggle, and

throughout our last war with Great Britain? General Scott could not possibly have been ignorant of this fact. Chippewa and Lundy's Lane both attest their gallant daring in defence of the stars and stripes of our country.

The General now seems determined, if possible, to efface from the memory of man that he had ever been a Native American. His present devotion to our fellow-citizens of foreign birth knows no bounds. He is determined to enlist them under his banner, as he formerly enlisted the Anti-Masons and Native Americans.

Official business, it seems, required him to visit the Blue Licks of Kentucky; and yet, it is passing strange, that he chose to proceed from Washington to that place by the circuitous route of the great Northern Lakes. This deviation from a direct military line between the point of his departure and that of his destination has enabled him to meet and address his fellow-citizens on the way, at Harrisburg, Pittsburgh, Cleveland, Cincinnati, and other points both in Pennsylvania and Ohio. Should the published programme of his route be carried into effect, he will, on his return to Washington from the Blue Licks, pass through Buffalo, and throughout the entire length of the Empire State. Nobody, however, can for a single moment suspect—this would be uncharitable—that his visit to the small and insignificant States of Pennsylvania, Ohio and New York, when merely on his way from Washington city to Kentucky, could at this particular period have had any view to the Presidential election! Far be it from me to indulge such a suspicion; and yet it is strange that General Scott, throughout his whole route, speaks and acts just as General Scott would have done had he been on an electioneering tour. He has everywhere bestowed especial favor upon our adopted fellow-citizens; but at Cleveland he surpassed himself, and broke out into a rhapsody nearly as violent as that in which he had indulged in favor of Hector Orr, the Native American printer. At Cleveland, an honest Irishman in the crowd shouted a welcome to General Scott. Always ready to seize the propitious moment, the General instantly exclaimed: "I hear that rich brogue; I love to hear it. It makes me remember noble deeds of Irishmen, many of whom I have led to battle and to victory." The General has yet to learn that my father's countrymen, (I have ever felt proud of my descent from an Irishman,) though they sometimes do blarney others, are yet hard to be blarneyed themselves, especially

out of their Democracy. The General, unless I am greatly mistaken, will discover that Irish Democrats, however much, in common with us all, they may admire his military exploits, will never abandon their political principles, and desert their party, for the sake of elevating him or any other Whig candidate to the Presidency.

One other remark:—Were it within the limits of possibility to imagine, which it is not, that our Washingtons, our Jeffersons, or our Jacksons, could have set out on an electioneering tour for themselves, when candidates for the Presidency,—I ask, would they have met and addressed their fellow-citizens on such topics, and in such a style, as General Scott has selected? No! friends and fellow-citizens, gravity, solemnity, and the discussion of great questions of public policy, affecting the vital interests of the country, would have illustrated and marked their progress.

General Scott, in his political opinions, is prone to extremes. Not content with having renounced Native Americanism, not satisfied to occupy the broad, just and liberal platform in favor of naturalization, on which the Democratic party have stood, ever since the origin of the Government, he leaves this far behind. In his letter, accepting the nomination of the Whig Convention, he declares himself in favor of such an alteration in our naturalization laws, as would admit foreigners to the rights of citizenship, who, in time of war, had served a single year in the army or navy.

This manifests a strange, an unaccountable ignorance of the Federal Constitution. Did he not know that the power of Congress was confined to the establishment of "an uniform rule of naturalization?" "Uniform" is the word. Congress have no power to make exceptions in favor of any class of foreigners; no power to enact that one man shall be naturalized after a residence of a single year, and that another shall reside five years before he can attain this privilege. What uniformity would there be in requiring five years residence from the honest and industrious foreigner, who remains usefully employed at home, and in dispensing with this requisition in favor of the foreigner who has enlisted and served for one year in the army or navy? General Scott, in order to accomplish his object, must resort to a fourth amendment of the Constitution. He would make this sacred instrument a mere nose of wax, to be twisted, and turned, and bent in any direction which the opinion or caprice of the moment might dictate.

After this review, I ask you, fellow-citizens, what confidence can be reposed in the political opinions of General Scott? Is there anything in them of that firm, stable, consistent and enlightened character which ought to distinguish the man into whose hands you are willing to entrust the civil destinies of our great, glorious and progressive country? What security have our adopted citizens that he may not to-morrow relapse into Native Americanism? For twelve long years, and this, too, at a period of life when the judgment ought to be mature, he remained faithful and true to the Native American party; giving it all the encouragement and support which his high character and influence could command; and he only deserted it in 1848, at the approach of the Whig National Convention. And what opinion must the Native Americans hold of the man, who, after having been so long one of their most ardent and enthusiastic leaders, abandoned them at the time of their utmost need? Above all, does Winfield Scott possess that calm and unerring judgment, that far-seeing sagacity, and that prudence, never to be thrown off its guard, which we ought to require in a President of the United States?

That General Scott is a great military man, the people of this country will ever gratefully and cheerfully acknowledge. History teaches us, however, that but few men, whose profession has been arms and arms alone from early youth, have possessed the civil qualifications necessary wisely to govern a free people. Of this we have had some experience in the case of General Taylor, who was both an honest man and a pure patriot; but like General Scott, had always been a soldier and nothing but a soldier. It is true that a few favored mortals, emancipating themselves from the military fetters by which they had been bound, have displayed high talents as statesmen. Napoleon Bonaparte is the most remarkable example of this class; but his statesmanship was unfortunately displayed in the skill with which he forged fetters for his country.

As an American citizen, proud of the military exploits of General Scott, I wish from my soul he had never become a candidate for the Presidency. The defects in his character as a statesman, which it has now become an imperative duty to present to the people of the country, would then have been forgotten and forever buried in oblivion. But for this, he would have gone down to posterity without a cloud upon his glory. And, even now, it is fortunate for his future fame, as well as

for the best interests of his country, that he can never be elected President of the United States.

A few words on the subject of General Scott's connection with the Free Soilers, and I shall have done. And in the first place, let me say that I do not believe, and therefore shall not assert, that he is himself a Free Soiler. On the contrary, I freely admit we have satisfactory proof, that whilst the Compromise Measures were pending before Congress and afterwards, he expressed his approbation of them, but this only in private conversations among his friends. But was this all the country had a right to expect from General Scott?

The dark and portentous cloud raised by the Abolitionists and fanatics, which had for many years been growing blacker and still blacker, at length seemed ready to burst upon our devoted heads, threatening to sweep away both the Constitution and the Union. The patriots of the land, both Whigs and Democrats, cordially united their efforts to avert the impending storm. At this crisis, it became the duty of every friend of the Union to proclaim his opinions boldly. This was not a moment for any patriot to envelop himself in mystery. Under such appalling circumstances, did it comport with the frankness of a soldier, for General Scott to remain silent; or merely to whisper his opinions to private friends from the South? A man of his elevated station and commanding influence ought to have thrown himself into the breach. But the Presidency was in view; and he was anxious to secure the votes of the Free Soil Whigs of the Seward school, in the National Convention. Mr. Fillmore, his competitor, had spoken out like a man in favor of the Compromise, and had thus done his duty to his country. He was, for this very reason, rejected by the Whig National Convention, and General Scott was nominated by the votes and influence of the Northern Free Soil Whigs.

But the Northern Free Soilers had not quite sufficient strength to secure his nomination. To render this certain, it was necessary to enlist a small detachment of Southern Whig delegates. This task was easily accomplished. To attain his object, General Scott had merely to write a brief note to Mr. Archer.

This was evidently not intended for the public eye, certainly not for the Free Soilers. It was, therefore, most reluctantly extracted from the breeches pocket of John M. Botts, and was read to the Convention, as we are informed, amid

uproarious laughter. In this note, General Scott, with characteristic inconsistency, whilst declaring his determination to write nothing to the Convention, or any of its individual members, at this very moment, in the same note, does actually write to Mr. Archer, a member of the Convention, that should the honor of a nomination fall to his lot, he would give his views on the Compromise Measures in terms at least as strong in their favor, as those which he had read to Mr. Archer himself but two days before. This pledge which, on its face, was intended exclusively for Governor Jones, Mr. Botts, and Mr. Lee, etc., all of them Southern Whigs, proved sufficient to detach a small division of this wing of the party from Mr. Fillmore, and these, uniting with the whole body of the Northern Free Soilers, succeeded in nominating General Scott. After the nomination had been thus made, the General immediately proceeded to accept it, "with the resolutions annexed;" and one of these resolutions is in favor of the faithful execution of all the measures of the Compromise, including the Fugitive Slave Law.

Now, fellow-citizens, I view the finality of the Compromise as necessary to the peace and preservation of the Union. I say finality; a word aptly coined for the occasion. The Fugitive Slave Law is all the South have obtained in this Compromise. It is a law founded both upon the letter and the spirit of the Constitution; and a similar law has existed on our statute book ever since the administration of George Washington. History teaches us that but for the provision in favor of the restoration of fugitive slaves, our present Constitution never would have existed. Think ye that the South will ever tamely surrender the Fugitive Slave Law to Northern fanatics and Abolitionists?

After all, then, the great political question to be decided by the people of the country is, will the election of Scott, or the election of Pierce, contribute most to maintain the finality of the Compromise and the peace and harmony of the Union?

Scott's Northern supporters spit upon and execrate the platform erected by the Whig National Convention. They support General Scott, not because of their adherence to this platform, but in spite of it. They have loudly expressed their determination to agitate the repeal of the Fugitive Slave Law, and thus bring back upon the country the dangerous excitement which preceded its passage. They will not suffer the country to enjoy peace and repose, nor permit the Southern States to manage their own domestic affairs, in their own way, without foreign interference.

Who can doubt that these dangerous men will participate largely in the counsels of General Scott, and influence the measures of his administration? To them he owes his election, should he be elected. He is bound to them by the ties of gratitude. He is placed in a position where he would be more or less than a man, if he could withdraw himself from their influence. Indeed, he has informed us in advance, in the very act of accepting the nomination, that he would seek to cultivate harmony and fraternal sentiment throughout the Whig party, without attempting to reduce its numbers by proscription to exact conformity to his own views. What does this mean, if not to declare that the Free Soil Whigs of the North, and the Compromise Whigs of the South, shall share equally in the honors and offices of the Administration? In the North, where by far the greatest danger of agitation exists, the offices will be bestowed upon those Whigs who detest the Compromise, and who will exert all the influence which office confers, to abolish the Fugitive Slave Law. To this sad dilemma has General Scott been reduced.

On the other hand, what will be our condition should General Pierce be elected? He will owe his election to the great Democratic party of the country,—a party truly national, which knows no North, no South, no East, and no West. They are everywhere devoted to the Constitution and the Union. They everywhere speak the same language. The finality of the Compromise, in all its parts, is everywhere an article of their political faith. Their candidate, General Pierce, has always openly avowed his sentiments on this subject.

He could proudly declare, in accepting the nomination, that there has been no word nor act of his life in conflict with the platform adopted by the Democratic National Convention. Should he be elected, all the power and influence of his administration will be exerted to allay the dangerous spirit of fanaticism, and to render the Union and the Constitution immortal. Judge ye, then, between the two candidates, and decide for yourselves.

And now, fellow-citizens, what a glorious party the Democratic party has ever been! Man is but the being of a summer's day, whilst principles are eternal. The generations of mortals, one after the other, rise and sink and are forgotten; but the principles of Democracy, which we have inherited from our revolutionary fathers, will endure to bless mankind throughout all generations. Is there any Democrat within the sound of my voice—is there any Democrat throughout the broad limits of

good and great old Democratic Pennsylvania, who will abandon these sacred principles for the sake of following in the train of a military conqueror, and shouting for the hero of Lundy's Lane, Cerro Gordo, and Chapultepec?

> "Remember, O my friends! the laws, the rights,
> The gen'rous plan of power deliver'd down,
> From age to age, by your renown'd forefathers,
> So dearly bought, the price of so much blood;
> O! Let it never perish in your hands,
> But piously transmit it to your children."

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## TO MISS WATTERSTON.[1]

Wheatland, near Lancaster, 18 Nov. 1852.

My dear Miss Watterston,

I have received your saucy epistle of the 16th Instant, in which you have berated me in good set terms. It came to hand with a dozen of others asking my influence for office with the powers that are to be: and I confess the contrast was both piquant and agreeable. If you had honored me by inquiring of any person who saw me in Washington what was my situation whilst there, you would have learned that I spent the single day at the Dentist's and in my bed. I have not been so sick for many years as I was on that black Thursday: and on Friday Morning I was obliged to be in Baltimore. I rode up in the evening to Mr. Pleasonton's, intending to pass an hour there and then to pay you a visit on Capitol Hill; but I was obliged to return immediately to my Hotel. But worse and more of it. I can't sleep a wink with a fire in my room: and they had made an anthracite coal fire which would have roasted an ox. My night was passed in hideous dreams and nightmare. I had no beautiful visions of Miss Watterston and other sylph-like forms flitting before me. I shall remember that day and night for many years to come. So now take off your black cap and cry peccavi, and then I shall forgive you.

I wish, with all my heart, you had paid me a visit on your return from New York. You would have found me then in an excellent humor and too magnanimous to triumph over your defeat. This is the place above all others for a "cozy chat;"

[1] Buchanan MSS., Library of Congress.

but such blessings now rarely fall to my lot. I am rapidly becoming a petrifaction; but yet I still sometimes experience a genial warmth about the region of the heart. In truth I daily become more and more fond of my retirement, and always feel reluctant to leave home, though this I am often compelled to do.

Tell your excellent father that I am sorry I cannot comply with his request. Besides, nobody has asked me, and I have not the least idea or desire that any body should. I have seen enough of public life to satisfy a wise man. Still, for the sake of my Country, I feel a deep interest in the result of the Presidential election, and took an active part in the contest for the good old cause of Democracy. Unless I am mistaken in the character of the man, tell your father that General Pierce will make an excellent President. Please to remember me very kindly to him and to your mother, and believe me to be always, with sentiments of warm regard,

Your friend

JAMES BUCHANAN.

MISS ELIZA WATTERSTON.

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## FROM MR. PIERCE.[1]

CONCORD, N. H., Decb. 7, 1852.

MY DEAR SIR

I have been hoping ever since the election that I might have a personal interview with you if not before certainly during the present month. But the objections to such a meeting suggested by you while I was at the sea shore now exist perhaps even with greater force than at that time. With our known pleasant personal relation a meeting would doubtless call forth many idle & annoying speculations and groundless surmises. An interchange of thoughts with Colo. King (whose returning health is a source of great joy to me) would also be peculiarly pleasant & profitable, but here again there are obstacles in the way. He cannot come North and I cannot go to Washington. Communication by letters is still open. My thoughts for the last four weeks have been earnestly turned to the formation of a Cabinet. And altho' I must in the end be responsible for the appointments and consequently should follow my own well considered convictions—I cannot help saying often to myself, how agreeable it would be to compare conclusions upon this or that point with Mr. Buchanan. I do not mean to trouble you with the many matters of difficulty that evidently lie in my path. So far as I have been able to form an opinion as to public sentiment and reasonable

[1] Buchanan Papers, Historical Society of Pennsylvania: Curtis's Buchanan, II. 68.

public expectation, I think I am expected to call around me Gentlemen who have not hitherto occupied Cabinet positions. And in view of the jealousies and embarrassments which environ any other course, this expectation is in accordance with my own judgment, a judgment strengthened by the impression that it is sanctioned by views expressed by you. Regarding you with the free confidence of a friend and appreciating your disinterested patriotism as well as your wide experience & comprehensive statesmanship, I trust you will deem it neither an intrusion nor an annoyance when I ask your suggestions & advice. If not mistaken in this, you will confer a great favor by writing me as fully as you may deem proper as to the launching (if I may so express myself) of the incoming administration—and more especially in regard to men & things in Pennsylvania. In relation to appointments requiring prompt action after the inauguration I shall as far as practicable leave Concord with purposes definitively formed and not likely to be changed.

Should you deem that I ought not thus to tax you, burn the letter, but give me as of yore your good will & wishes.

I shall regard, as you will of course, whatever passes between us as in the strictest sense confidential.

Very truly yr. friend

FRANK. PIERCE.

HON: JAMES BUCHANAN
Lancaster, Pa.

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## TO GENERAL PIERCE.[1]

WHEATLAND, near LANCASTER, 11 December, 1852.

MY DEAR SIR

Your favor of the 7th Instant reached me last evening.

You do me no more than justice in "regarding me with the free confidence of a friend:" & I can say, in all sincerity, that both for your sake & that of the Country, I most ardently desire the success of your administration. Having asked my suggestions & advice, "as to the launching of the incoming administration," I shall cheerfully give it, with all the frankness of friendship.

Your letter, I can assure you, has relieved me from no little personal anxiety. Had you offered me a seat in your Cabinet one month ago, although highly gratified as I should have been with such a distinguished token of your confidence & regard, I would have declined it without a moment's hesitation. Nothing short of an imperative and over-ruling sense of public duty could ever prevail upon me to pass another four years of my life in the laborious & responsible position which I formerly occupied.

[1] Buchanan Papers, Historical Society of Pennsylvania.

Within the past month, however, so many urgent appeals have been made to me from quarters entitled to the highest respect to accept the State Department if tendered, and this, too, as an act of public duty, in view of the present perplexed & embarrassing condition of our foreign relations, that in declining it, I should have been placed in an embarrassing position from which I have been happily relieved by your letter.

But whilst I say this in all sincerity, I cannot assent to the correctness of the general principle you have adopted, to proscribe in mass the members of all former Cabinets: nor do I concur with you in opinion, that either public sentiment or public expectation requires such a sweeping ostracism. I need scarcely therefore say that the impression which you have derived of my opinion in favor of this measure, from I know not whom, is without foundation. It would be most unjust towards my able, enlightened, & patriotic associates in the Cabinet of Mr. Polk, could I have entertained such an idea. So far from it, that were I the President elect, I should deem it almost indispensable to avail myself of the sound wisdom & experienced judgment of one or more members of that Cabinet, to assist me in conducting the vast & complicated machinery of the Federal Government. Neither should I be diverted from this purpose by the senseless cry of "old Fogyism" raised by "young America." I think the members of Mr. Polk's Cabinet should be placed upon the same level with the mass of their fellow citizens, & neither in a better nor a worse condition. I am not aware that any of them, unless it may be Governor Marcy, either expects or desires a cabinet appointment; and certainly all of them will most cheerfully accord to you the perfect right of selecting the members of your own Cabinet. Still to be excluded from your consideration merely because they had happened to belong to Mr. Polk's cabinet could not be very gratifying to any of them.

To apply your own metaphor, "the launching of the incoming administration" will perhaps be a more important & responsible duty than has ever fallen to the lot of any of your predecessors. On the selection of the Navigators to assist you in conducting the vessel of State will mainly depend the success of the voyage. No matter how able or skilful the commander may be, & without flattery I cheerfully accord to you both ability & skill, he can do but little without the aid of able & skilful subordinates. So firmly am I convinced of this truth, that I should not fear to predict the result of your administration as soon as I shall learn

who are the members of your Cabinet. In former times, when the Government was comparatively in its infancy, the President himself could supervise & direct all the measures of any importance arising under our complex but most excellent system of Government. Not so at present. This would no longer be possible, even if the day consisted of 48 instead of 24 hours. Hence, from absolute necessity, the members of your administration will exercise much independent power. Even in regard to those questions submitted more directly to yourself, from want of time to make minute examinations of all the facts, you must necessarily rely much upon the representations of the appropriate Secretary. My strong & earnest advice to you, therefore, is not to constitute your Cabinet with a view to harmonise the opposite & fleeting factions of the day; but solely with the higher & nobler view of promoting the great interests of the Country & securing the glory & lasting fame of your own administration. You occupy a proud & independent position; & enjoy a popularity which will render any able & honest democrat popular who may be honored by your choice for a Cabinet Station, provided they are properly distributed over the Union. In this respect, you are placed in a more enviable position than almost any of your predecessors. It was a maxim of old Simon Snyder, the shrewd & popular Governor of our State, that the very best man ought to be selected for the office; & if not popular at the moment, he would soon render himself popular. In view of these important considerations, I would earnestly recommend to you the practice of General Washington never finally to decide an important question until the moment which required its decision had nearly approached. I know that a state of suspense is annoying to the human mind; but it is better to submit to this annoyance for a season than to incur the risk of a more permanent and greater evil.

You say that you will leave Concord "with purposes definitely formed and not likely to be changed." But is Concord the best locality in the world for acquiring reliable information & taking extended views of our whole great Country? To Boston I should never resort for this purpose. Pardon me for suggesting that you ought not to have your resolution definitely fixed until after your arrival in Washington. In that City, although you will find many interested & designing politicians, there are also pure, honest, & disinterested Democratic patriots. Among this number is Col: King, whom you so highly & justly

commend. He is among the best, purest, & most consistent public men I have ever known, & is, also, a sound judging and discreet counsellor. You might rely with implicit confidence upon his information, especially in regard to the Southern States, which I know are at the present moment tremblingly alive to the importance of your Cabinet selections. I might cite the example of Mr. Polk. Although in council with General Jackson, he had early determined to offer me the State Department; yet no intimation of the kind was ever communicated to me until a short time before his arrival in Washington, & then only in an indirect manner. In regard to all the other members of his Cabinet he was wholly uncommitted, until the time for making his selection had nearly approached. It is true he had strong predilections in favor of individuals before he left Tennessee; but I do not think I hazard much in saying, that had these been indulged, his administration would not have occupied so high a place as it is destined to do in the history of his Country.

One opinion I must not fail to express: & this is that *the Cabinet ought to be a unit.* I may say that this is not merely an opinion of mine, but a strong & deep conviction. It is as clear to my mind, as any mathematical demonstration. Without unity no Cabinet can be successful. General Jackson, penetrating as he was, did not discover this truth, until compelled to dissolve his first Cabinet on account of its heterogeneous & discordant materials. I undertake to predict that whoever may be the President, if he disregards this principle in the formation of his Cabinet, he will have committed a fatal mistake. He who attempts to conciliate opposing factions, by placing ardent & embittered Representatives of each in his Cabinet, will discover that he has only infused into these factions new vigor & power for mischief. Having other objects in view distinct from the success & glory of the administration, they will be employed in strengthening the factions to which they belong, & in creating unfortunate divisions in Congress & throughout the Country. It was a regard to this vital principle of unity in the formation of his Cabinet, which rendered Mr. Polk's administration so successful. We were all personal & political friends & worked together in harmony. However various our views might have been & often were upon any particular subject when entering the Cabinet Council, after mutual consultation & free discussion we never failed to agree at last, except on a very few questions, & on these the world never knew that we had differed.

I have made these suggestions without a single selfish object. My purpose is to retire gradually & if possible gracefully from any active participation in public affairs & to devote my time to do historical justice to the administration of Mr. Polk as well as to myself before the tribunal of posterity. I feel notwithstanding a deep & intense interest in the lasting triumph of the good old cause of Democracy, & in that of its chosen standard bearer, to whose success I devoted myself with a hearty good will.

The important Domestic questions being now nearly all settled, the foreign affairs of the Government & especially the question of Cuba will occupy the most conspicuous place in your administration. I believe Cuba can be acquired by cession upon honorable terms; & I should not desire to acquire it in any other manner. The President who shall accomplish this object will render his name illustrious & place it on the same level with that of his great predecessor who gave Louisiana to the Union. The best means of acquiring it, in my opinion, is to enlist the active agency of the Foreign creditors of Spain, who have a direct personal interest in its cession to the United States. The Rothschilds, the Barings, & other large capitalists now control to a great extent the monarchies of Continental Europe. Besides, Queen Christina, who is very avaricious & exercises great influence over her daughter, the Queen of Spain, & her Court, has very large possessions in the Island, the value of which would be greatly enhanced by its cession to the United States. Should you desire to acquire Cuba, the choice of suitable ministers to Spain, Naples, England, & France will be very important. Mr. Fillmore committed a great outrage in publishing the Cuban correspondence. Had he, however, not suppressed a material portion of my instructions to Mr. Saunders, every candid man of all parties would have admitted, without hesitation, that under the then existing circumstances, it was the imperative duty of Mr. Polk to offer to make the purchase. Indeed, I think myself it was too long delayed.

In my opinion, Mr. Clayton & Mr. Webster have involved our relations with England in serious difficulties by departing from the Monroe doctrine.

In Pennsylvania we have all been amused at the successive detachments of those whom we call guerillas which have visited Concord to assure you that serious divisions exist among the Democracy of our State. There never was any thing more

unfounded. The party is now more thoroughly united than it has ever been at any period within my recollection. Whilst the contest continued between General Cass & myself, many honest Democrats, without a particle of personal or political hostility to me, preferred him & espoused his cause simply because he had been the defeated candidate. That feeling is at an end with the cause which gave it birth; & these honest Democrats as heartily despise the Camerons, the Brodheads, the Grunds, the Barretts, the M'Allisters, the Burnsides, &c. &c., as do my oldest & best friends. In truth the guerillas are now chiefs without followers. They are at present attempting to galvanise themselves at home, through the expected influence of your administration. Their tools, who will nearly all be applicants for office, circulate the most favorable accounts from Concord. They were scarcely heard of previous to the October election, which was the battle of the 23 December; but if we are to believe them, they achieved the victory of the 8th January. These are the men who defeated Judge Campbell at the election in October 1851, by exciting anti-Catholic prejudices against him, & who have always been disorganisers whenever their personal interests came in conflict with the success of the party. Thank Heaven they are now altogether powerless & will so remain unless your administration should impart to them renewed vigor. Their principal apprehension was that you might offer me a seat in your Cabinet; but for some time past they have confidently boasted that their influence had already prevented this dreaded consummation. Their next assault will be upon my intimate friend Judge Campbell, who will, I have no doubt, be strongly presented to you for a Cabinet appointment. The Judge is able, honest, & inflexibly firm, & did, to say the very least, as much as any individual in the State to secure our glorious triumph. I might speak in similar terms of Governor Porter. To defeat such men, they will lay hold of General Patterson, Mr. Dallas, or any other individual less obnoxious to them, & make a merit of pressing him for a Cabinet appointment from Pennsylvania. They calculate largely upon the influence of General Cass, who strangely enough is devoted to them, although their advocacy rendered it impossible that he should ever be nominated or elected by the vote of the State.

As a private citizen, I shall take the liberty of recommending to you, by letter, at the proper time, those whom I consider the best qualified candidates for different offices within our State;

& you will pay such attention to my recommendations as you may think they deserve. I would not, if I could, exclude the honest friends of General Cass from a fair participation in "the spoils." They are & always have been good Democrats & are now my warm friends. But I shall ever protest against the appointment of any of the disorganisers who whilst professing Democracy defeated Judge Campbell: & not content with advocating General Cass in preference to myself, which they had a perfect right to do, have spent their time & their money in abusing my personal character most foully & falsely. Even Barrett, the Editor of the Keystone, whose paper was almost exclusively devoted to the propagation of these slanders, to be circulated under the frank of Senator Brodhead throughout the South, for they had no influence at home, is a hopeful candidate for office, as they profess, under your administration.

I have now from a sense of duty written you by far the longest letter I ever wrote in my life, & have unburthened my mind of a ponderous load. I have nothing more to add, except a request that you would present me kindly to Mrs. Pierce, & believe me to be always, most respectfully

Your friend

JAMES BUCHANAN.

GENERAL FRANKLIN PIERCE.

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## FROM MR. PIERCE.[1]

CONCORD, N. H. Decb. 14, 1852.

MY DEAR SIR

Language fails me to express the sincere gratitude I feel for your kind and noble letter of the 11th inst. I cannot now reply as I ought, but lose no time in expressing my deep sense of obligation. I ought in justice to the citizens of Penna. who have visited Concord during the summer & autumn to say that I do not recollect a single individual who has ventured to make a suggestion in relation to yourself calculated in the slightest degree to weaken my personal regard. It is far from my purpose to hasten to any conclusion in relation to my Cabinet.

It is hardly possible that I can be more deeply impressed than I now am as to the importance of the manner in which it shall be cast, both for the interests of the Country and my own comfort. I cannot however view the advantages of my presence at Washington in the same light with yourself,

[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, II. 74.

tho' having no object but the best interests of our party and the Country. Personal inclination and convenience will if I know it have no weight upon my course in any particular. I must leave for a future time many things I desire to say. Do you still anticipate passing a portion of the winter at the South? With sincere regard yr. friend

FRANK. PIERCE

HON. JAMES BUCHANAN,
Wheatland, near Lancaster, Pa.

## 1853.

## TO MISS LANE.[1]

WHEATLAND, near LANCASTER 3 February 1853.

MY DEAR HARRIET,

I have passed the time quietly at home since I left Philadelphia, toiling night & day, to reduce the pile of letters which had accumulated during my absence. I have got nearly through, & intend to pass some days in Harrisburg next week. I have literally no news to communicate to you. Miss Hetty & myself get along to a charm. She expects Miss Rebecca Parker here to-day,—the promise of Mr. Van Dyke. I hope she may come.

I received a letter yesterday from Mr. Pleasonton, dated on the 31 ultimo, from which the following is an extract:

" Clemmy wrote some two weeks ago to Miss Harriet asking her to come here & spend some time with us. As she has not heard from her, she supposes Miss Lane to be absent. Be good enough to mention this to her, & our united wish that she should spend the residue of the winter & the spring with us. There is much gaiety here now, tho' we do not partake of it. We will contrive, however, that Miss Lane shall participate in it."

Now do as you please about visiting Washington. I hope you are enjoying yourself in Philadelphia. Please to let me know where you have been, what you have been doing, & what you propose to do. I trust you will take good care of yourself & always act under the influence of high moral principle & a grateful sense of your responsibility to your Creator.

Yours affectionately,

JAMES BUCHANAN.

MISS HARRIET LANE.

[1] Buchanan Papers, private collection; Curtis's Buchanan, II 94

# FROM MISS LANE.[1]

PHILADELPHIA, Feb. 6, 1853.

MY DEAR UNCLE,

I still continue to enjoy myself here, and have made many more acquaintances than I have ever had the opportunity of doing before. Lent commencing this week may in some degree affect the pleasures of society, but of that, as yet, we cannot judge. As regards Washington—I understand perfectly that as far as you, yourself, are concerned you wish me to do as I feel inclined, but your disinterested opinions are rather for a postponement of my visit. These I had quietly resolved to act upon. Should you have changed your mind, or have any advice to give, let me know it, at once, for rest assured, I am always happier, and better satisfied with myself, when my actions are fully sanctioned by your wishes.

The day after you left, we had an elegant dinner at Mrs. Gilpin's—many, many were the regrets that you were not present. Mr. Van Buren treated me with *marked attention*—drank wine with me first at table—talked a great deal of you, & thinks you treated him shabbily last summer, by passing so near without stopping to see him. I tell you these things, as I think they show a desire on his part to meet you. Dallas was there—very quiet. How I longed for you to eclipse them all, and be as you always are, the life and soul of the dinner. Thursday, Mrs. John Cadwallader's magnificent ball came off. I enjoyed it exceedingly, and was treated most kindly. James Henry received an invitation to it, but did not go—he has returned to Princeton, full of studious resolves.

I found my engagements such as to make it impossible for me to go to Mrs. Tyler's last week. I arranged every thing satisfactorily to all parties, and go there to stay to-morrow (Monday). Every possible kindness has been shown me by Mr. and Mrs. Plitt, & my visit to them has been delightful.

Mary Anderson remained here but a week, on her return from Washington. I passed a day with them very pleasantly. Forney has been here for the last two or three days. He did not get off last night as he expected.

No news from Mary yet. I miss her every hour in the day, but will scarcely be able to count my loss until I get home, where I have always been accustomed to see her. I had a letter from Lizzie Porter telling me of her Aunt's death. My best love to Miss Hetty. Mrs. Plitt sends her love. Hoping to hear from you very soon, believe me, ever, my dear Uncle,

Your sincerely affectionate

HARRIET.

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[1] Buchanan Papers, private collection. Extracts printed in Curtis's Buchanan, II. 95.

## TO MISS LANE.[1]

Wheatland, near Lancaster 15 March 1853.

My dear Harriet,

I received yours of the 11th, postmarked the 14th, last night. I now receive about fifty letters per day, last Saturday sixty-nine: & the cry is still they come, so that I must be brief. I labor day & night.

You ask: Will you accept the mission to England? I answer, that it has not been offered, & I have not the least reason to believe, from any authentic source, that it will be offered. Indeed, I am almost certain that it will not, because surely General Pierce would not nominate me to the Senate, without first asking me whether I would accept. Should the offer be made, I know not what I might conclude. Personally I have not the least desire to go abroad as a foreign minister. But "sufficient unto the day is the evil thereof." I really would not know where to leave you, were I to accept a foreign mission, & this would be one serious objection.

I think you are wise in going to Mr. Macalester's. You know how much I esteem & admire Mrs. Tyler; but still a long visit to a friend is often a great bore. Never make people twice glad. I have not seen Kate Reynolds since her return & have had no time to see any person.

In remarking as I did upon your composition, I was far from intending to convey the idea that you should write your letters as you would a formal address. Stiffness in a letter is intolerable. Its perfection is to write as you would converse. Still all this may be done with correctness. Your ideas are well expressed, & the principal fault I found was in your not forming distinct periods—or full stops, as the old schoolmasters used to say. Miss Ward's letters are probably written with too much care,—too much precision.

We have no news. We are jogging on in the old John Trot style & get along in great peace & harmony.

Yours affectionately

James Buchanan

Miss Harriet Lane.

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[1] Buchanan Papers, private collection. Imperfectly printed in Curtis's Buchanan, II. 95.

## TO MISS LANE.[1]

Wheatland, near Lancaster 19 March 1853.

My dear Harriet/

I return you Mr. Crosby's appeal, so that you may have it before you in preparing your answer. The whole matter is supremely ridiculous. I have no more reason to believe than I had when I last wrote that I shall be offered the mission to England. Should this offer be made, it will be a matter of grave & serious consideration whether I shall accept or decline it. I have not determined this question. "Sufficient unto the day is the evil thereof." Should it be accepted, it will be on the express condition that I shall have the liberty to choose my own Secretary of Legation; & from the specimen of diplomacy which Mr. Crosby has presented, I think I may venture to say he will not be the man. I would select some able, industrious, hard-working friend, in whose integrity & prudence I could place entire reliance. In fact, I have the man now in my eye, from a distant state, to whom I would make the offer,—a gentleman trained by myself in the State Department. I must have a man of business, & not a carpet knight, who would go abroad to cut a dash.

Now you may say to Mr. Crosby that you believe I know nothing of the intention of the President to offer me the English mission & that you are equally ignorant whether I would accept or decline it (& this you may say with truth, for I do not know myself.) If accepted, however, you presume that I would cast about among my numerous friends for the best man for the appointment; & whatever your own wishes might be, you would not venture to interfere in the matter. That you took no part in such matters. This ought to be the substance of your letter, which you may smooth over with as many honeyed phrases as you please.

I think that a visit to Europe, with me as minister, would spoil you outright! Besides, it would consume your little independence. One grave objection to my acceptance of the mission, for which I have no personal inclination, would be your situation. I should dislike to leave you behind in the care of any person I know.

I think there is a decided improvement in your last letter.

[1] Buchanan Papers, private collection.

Your great fault was that your sentences ran into each other without proper periods.

Good night! I cannot say how many letters I have written to day. Thank Heaven! to-morrow will be a day of rest. I do not now expect to visit Pittsburg until after the first of April, though I have a pecuniary concern there of some importance.

With my kindest regards to Miss Macalester & the family, I remain

Yours affectionately

JAMES BUCHANAN.

MISS HARRIET LANE.

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## FROM PRESIDENT PIERCE.[1]

WASHINGTON, March 30, 1853.

MY DEAR SIR—

The Cabinet meeting has just been suspended on account of the death of Mrs. Fillmore, and I seize almost the first moment when I have found myself relieved since the Inauguration from the pressure of public engagements and personal importunity to fulfil the purpose of writing to you—already so long deferred. My embarrassments in making selections for public office in all States of the Union except five or six, have been greater than I can express, and are still by no means overcome, tho' New York and Pennsylvania have to a great extent been disposed of—how far wisely time must determine. But I will not annoy you by recounting my troubles. Your own experience will inspire you with a ready appreciation of them.

Let me turn from them to a subject which, while it is free from the embarrassment of conflict, is of the deepest interest to me personally and of the highest public concernment. I refer to the mission to England. Mr. Ingersoll has written that he desires to be relieved at such time as the interests of the Country and the convenience of the administration may indicate. My personal relations with Mr. I. of long standing and his high character would forbid me to make the change except in a manner entirely consistent with a delicate regard for his feelings. His own view, however, of what is due to the relations referred to and to my obligations have placed the whole matter upon the proper footing.

And now it becomes my duty to state that in my own judgment and in the judgment of all my constitutional advisers, the Country may well make a requisition upon you for services so peculiarly in your power to render. I shall tender to you, so soon as I shall be advised as to what will suit your convenience in point of time, the mission to England. Will you communicate with me at your earliest convenience, and believe me ever

Very truly yr. friend

HON. JAS BUCHANAN
Lancaster, Penna.

FRANK. PIERCE

[1] Buchanan Papers, Historical Society of Pennsylvania.

## TO PRESIDENT PIERCE.[1]

WHEATLAND, near LANCASTER 2 April 1853.

MY DEAR SIR

I have received & hasten to answer your favor of the 30th ultimo, expressing your determination to tender me the mission to England, as soon as you shall be advised as to what will suit my convenience in point of time. For this distinguished & gratifying evidence of your regard, communicated in terms so kind & acceptable, I shall feel equally indebted, whether it is accepted or declined. If accepted, I could not, without great personal inconvenience & pecuniary loss, leave the Country before the month of June.

I shall advise you of my decision at the earliest practicable moment; & in the mean time, believe me to be

Very gratefully & respectfully your friend

JAMES BUCHANAN.

HIS EXCELLENCY FRANKLIN PIERCE.

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## TO MISS LANE.[2]

*Private & confidential.*

LANCASTER 7 April 1853.

MY DEAR HARRIET/

I am thus far on my way to Washington, wholly uncertain whether I shall accept or decline the mission. This will depend upon circumstances which I cannot know until after my arrival in that City. I have not the least personal inclination to go abroad. Your letter was highly gratifying to me. As soon as I shall have decided I will inform you of it.

In haste, yours affectionately

JAMES BUCHANAN.

MISS HARRIET LANE.

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[1] Buchanan Papers, Historical Society of Pennsylvania.

[2] Buchanan Papers, private collection.

## TO PRESIDENT PIERCE.[1]

*Private & Confidential.*

WHEATLAND, near LANCASTER, 27 April 1853.

MY DEAR SIR,

Pardon me for most respectfully requesting your attention to the few remarks I am about to make. I shall not complain either to yourself or any other person of the appointments which have already been made in Pennsylvania. "Not Jove himself upon the past has power." Permit me, however, to express the hope that my recommendations in regard to the appointment of Consuls about to be made may not meet the same fate they have already experienced in regard to other appointments; & particularly that the Hon: J. Glancy Jones of "Old Berks," in whose favor I have written & said so much, may prove successful in obtaining a consulate of the first class.

You most kindly removed what would otherwise have been an insuperable objection to my acceptance of the English mission or any other office, by stating that this should not be charged to Pennsylvania: nor should it in any manner affect the fair proportion of consular & other appointments to which her citizens might justly be entitled. But for this, you will readily perceive, because I know you would have acted in the same manner yourself under similar circumstances, that in my peculiar position it would have been impossible to accept office for myself at the expense of my friends. I feel anxious solicitude on this subject. Opponents, as well as disappointed friends, will I know be ready enough to charge me with selfishness, & declare, however unjustly both to you & myself, that I had compromised for the disappointment of all the friends whom I had recommended by taking the lion's share for myself.

I am ready at any moment to obey your summons to Washington, as I am anxious to obtain the most full & precise information in regard to the duties of the mission with which you have honored me: & this object can nowhere be so well accomplished as in the State Department.

From your friend very respectfully

JAMES BUCHANAN.

HIS EXCELLENCY FRANKLIN PIERCE.

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[1] Buchanan Papers, Historical Society of Pennsylvania.

## TO MR. JOHNSON.[1]

*Private & Confidential.*

WHEATLAND, near LANCASTER, 3 May 1853.

MY DEAR SIR/

I ought long since to have written to you, in answer to your last; but the truth is I did not know what to write. Had I been the Secretary of State, which I knew I would not be, I should most cheerfully have exerted my influence in favor of your friends James M'Quells, Esquire, & Governor Trousdale. For the character of the latter I feel the highest respect, & no doubt the former is all you represent him to be. But I am not Secretary of State, which I did not desire to be: & what is more, my recommendations to the President have not had the slightest influence. *Not one, no, not one of the important offices in Philadelphia was appointed on my recommendation.* I am a mere outsider & nothing more.

On the 30th March, the President addressed me a very complimentary letter offering me the English mission. I went to Washington on the 8th April; & I entered the White House on that day determined to decline its acceptance; though all the friends, with a single exception, whom I had consulted, advised me to pursue a different course. After a full conversation with the President, in which he removed as far as he could one objection after the other, I informed him that an insuperable objection still remained. That those friends whom I had recommended for office had been disappointed & a number still remained from Pennsylvania whom I had recommended for foreign consulates, &c. &c. That if I should accept the English mission, in my peculiar position this would be to take the Lion's part for myself at the expense of friends to whom I was devoted, & would look like the acceptance of a compromise in my own favor for their disappointment. He promptly assured me that I need entertain no fears on that account, that he would not charge my appointment to Pennsylvania, & that she should have the same share of appointments as though I had not accepted the mission.

I have good reason to fear, however, that other counsels have prevailed & that my appointment will cause the defeat of my friends. Indeed, I know that members of the Cabinet have told applicants from Pennsylvania that they could not expect

[1] Buchanan Papers, Historical Society of Pennsylvania.

foreign appointments, their State having already had a Cabinet minister & two full missions. "Nous verrons," as father Ritchie says. If faith should not be kept with me, I shall know my duty. I never desired the English mission.

I have no cause of complaint against Marcy. He is, I think, well disposed towards me. He has an insatiable thirst for office. I sincerely wish him success in his present position. He would have succeeded in any other Department of the Government; but I know no public man of experience & character who is more ignorant than he is of all which relates to our foreign affairs. He has never made them any portion of his study. But he has a cool clear head & a strong intellect, & I place great reliance on his capacity. He may & I trust will succeed.

I have not yet heard of Mrs. Garland's marriage, nor in your last did you mention the name of the gentleman whom she is destined to render happy.

I would give any reasonable amount for a day with you. I am truly sorry that our destiny has removed us to such a distance from each other.

Miss Hetty desires to be specially & most kindly remembered to you. I believe, with the exception of poor Colonel King, you are oftener remembered in our small family circle than any other friend.

Should I go to England, I hope to keep up a regular correspondence with you.

With my very kindest regards to Mrs.—I know not now what to call her, & all the children, I remain as ever

Most gratefully & respectfully your friend

JAMES BUCHANAN.

HON: CAVE JOHNSON.

P. S. I ought to say that when I learned from Head Quarters that I would not be appointed Secretary of State, I recommended Judge Campbell for a Cabinet appointment; & I think he will well & ably perform the duties of Postmaster General. It is, also, but justice to the President to remark that he had good reason to believe that I did not desire the State Department at the time he appointed Marcy. Still less do I desire the mission to England.

## TO MR. MARCY.[1]

WHEATLAND, near LANCASTER, 12 May, 1853.

MY DEAR SIR:

I owe you my thanks for your kindness and courtesy in informing me when the Consular appointment would probably be made. I should have gone to Washington immediately upon the receipt of your letter, but have ever since been expecting daily to hear from the President. Although I have not yet heard, I intend to visit Washington early next week probably on Monday. My chief object there is to book myself in regard to my duties in the State Department. I hope you will allow me some corner in the building where I can read and write until 3 or 4 o'clock each day for a week. If I should not go now, I know not when I could go without great inconvenience before my departure, except merely to receive your instructions and to take leave. I have remained at home for three weeks, awaiting the summons of the President, which I might have employed in visiting Western Pennsylvania and arranging my business affairs in that quarter. I make no complaint. I know and can appreciate the situation of the President and yourself; and what I have written is simply an apology for visiting Washington without having heard from the President. From your friend,

Very respectfully,

JAMES BUCHANAN.

HON. WM. L. MARCY.

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## TO MISS LANE.[2]

STATE DEPARTMENT 24 May 1853.

MY DEAR HARRIET,

I have received your letter, & have not written until the present moment because I did not know what to write. It is now determined that I shall leave New York on Saturday, 9th July. I cannot fix the day I shall be at home; because I am determined not to leave this until posted up thoroughly on the duties of the mission. I hope, however, I may be with you in the early part of next week. I am hard at work.

[1] Copies of Marcy MSS., in the editor's possession.

[2] Buchanan Papers, private collection.

I went from Willard's to Mr. Pleasonton's last evening. Laura & Clemmie are well, & would, I have no doubt, send their love to you, if they knew I was writing. I have seen but few of the fashionables, but have been overrun with visitors.

Remember me very kindly to Miss Hetty & to James, & believe me to be yours affectionately,

JAMES BUCHANAN.

MISS HARRIET LANE.

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## TO PRESIDENT PIERCE.[1]

WHEATLAND, near LANCASTER, 7 June 1853.

MY DEAR SIR/

Your favor of the 2d Instant, postmarked the 4th, did not reach me until this morning, nor did it arrive in Lancaster until yesterday afternoon.

Heaven forbid I should entertain the most remote idea that the negotiations between Governor Marcy & Mr. Crampton, on the Reciprocity & Fishery questions, should be delayed for a single moment on account of any considerations personal to myself. Far, very far from me be such a thought! On the contrary, it affords me great satisfaction to learn that there is a fair prospect of their speedy conclusion, though I still think it is much to be regretted that the Central American questions could not have been embraced in the same Treaty. The time has passed when these negotiations could, with propriety, have been arrested at Washington. This could only have been done in April last by an official notification to the British Government of the fact that you had appointed me minister to Great Britain, for the purpose of settling all the questions in dispute between the two countries; & that, therefore, it was your desire & intention to transfer the negotiations from Washington to London.

As soon as I thought satisfactory reasons existed for believing that you had finally changed your purpose, & never doubting but that this change had resulted from the highest public considerations, I respectfully asked leave, in my letter of the 23d ultimo, to decline the mission. There the matter would have ended, but for the declaration in yours of the 20th, that my

[1] This letter, perhaps only a draft, is among the Buchanan Papers of the Historical Society of Pennsylvania. See the letter of June 11, 1853, to President Pierce, infra.

declination, at this time, would be embarrassing to you & for many reasons to be deeply regretted. Anxious to gratify your wishes, if this could be done, with any reasonable hope on my part that by going abroad I might be able materially to serve your administration & the Country in the adjustment of the Central American questions, I ventured the suggestion in mine of the 29th that the Treaty on the Reciprocity & Fishery questions might be perfected at Washington, with the exception of its final execution, which might await the result of the negotiations at London, especially as no delay could thus be produced in the final ratification of the Treaty by the Senate. I believed that by holding this Treaty in suspense, which Great Britain, at least so far as regards Reciprocity, is so anxious to conclude, she might be induced to abandon her unjust & unfounded pretensions in Central America & especially as a preliminary to restore to Honduras the Colony of the Bay of Islands. Its establishment was a clear violation of the Clayton & Bulwer Treaty, & has been so pronounced by the Committee of Foreign Relations of the Senate. Besides, from its great value & importance as a naval & commercial station near the Isthmus, commanding the Caribbean Sea, I believed that Great Britain would not surrender it peaceably without some such equivalent as the Reciprocity Treaty. Indeed strong evidence exists of her intention to hold it, in the State Department.

Your favor of the 2d Instant establishes the fact that my well intended suggestion could not be adopted without serious danger of actual collision between the two Countries on the Fishing grounds. This suggestion being inadmissible for the reasons which you state, my declination of the mission, on the 14th ultimo, then became absolute.

Under these circumstances, you may judge of my surprise, when Mr. Mann, a messenger of the State Department, about six o'clock yesterday afternoon, presented me a sealed package, which, upon opening, I found contained my commission & instructions as minister to Great Britain, without the slightest reference to our previous correspondence on the subject, & just as though I had accepted instead of having declined the mission & was on the wing for London!

Had I seen your letter of the 2d Instant before Mr. Mann delivered me the package, I should not have felt myself at liberty to peruse the instructions. But having done this, I discover that they do not seem to contemplate any immediate attempt on my

part to conclude a Treaty with Great Britain on the Central American questions;—no specific instructions to that effect have been given;—no terms prescribed as to the stipulations which such a Treaty ought to contain;—& above all, the full power from yourself usual on such occasions has neither been transmitted nor mentioned. It might have been supposed that first & above all, as a preliminary measure, I would have been instructed to demand, in your name, in strong but respectful terms, the withdrawal of Great Britain from the Bay of Islands, thus restoring the relative position of the parties to the statu quo,—to what it had been at the conclusion of the Clayton & Bulwer Treaty. These omissions may be & doubtless are fairly attributable to haste & inadvertence; but yet such are the instructions with which it was intended I should proceed, without delay, to London. The general observations are, in the main, excellent, & bear strong marks of the clear head & sound judgment of the Secretary of State.

You inquire what explanation could be given for my declination of the mission at this time? I answer that the simple truth, in the most concise form, will relieve both you & myself from all embarrassment. To this I alluded in my letter of the 29th ultimo, when I said, "a brief explanation can be made in the Union which will put all right & the whole matter will be forgotten in a week."

The explanation might state, that after my agreement to accept the mission & before the time fixed for my departure had arrived, imperative circumstances had intervened, rendering it absolutely necessary, in your opinion, that the negotiations with which you had intended to entrust me at London should be conducted in Washington. That whilst fully concurring myself in the propriety of the change, this had produced a corresponding change in my determination to accept a mission which I had always considered a sacrifice of the duties which I owed to the numerous dependent members of my family, & of my strong desire to remain in retirement, to the higher obligations which the unchanged mission would have imposed.

You will certainly be at no loss to find distinguished & competent Democratic Statesmen who will be willing to accept the station.

With sentiments of the highest regard, I remain,

Always your friend

James Buchanan.

His Excellency Franklin Pierce, &c. &c. &c.

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